

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO-553-2011 (O&M)

Date of Decision:19.04.2018

Smt. Vidhya Devi and others

.....Appellants

Versus

Karan Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Sandeep Kumar Yadav, Advocate,
for the appellants.**

**Ms. Vandana Malhotra, Advocate,
with Ms. Monika Jangra, Advocate,
for respondent No.3-Insurance Company.**

HARI PAL VERMA, J.(Oral)

CM-1770-CII-2011

Prayer in this application is for condonation of 228 days' delay
in filing the appeal.

For the reasons stated in the application, same is allowed and
the delay of 228 days in filing the appeal, is condoned.

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Appellants-claimants have filed the present appeal seeking
enhancement of compensation over and above the amount awarded by the
Motor Accident Claims Tribunal, Narnaul, (for short “the Tribunal”) vide
award dated 18.12.2009 on account of death of Jai Parkash, who died in the
motor vehicular accident which took place on 23.07.2008.

As per claim-petition on 23.07.2008, Satbir Singh (since deceased) was returning to his house from Ateli after office hours on his motorcycle bearing registration No.HR-35C-7968 at a moderate speed and Jai Parkash (since deceased) was the pillion rider. At about 5.00 PM, when they reached in the area of village Mohlara, the offending vehicle bearing registration No.HR-47A-7030 being driven by respondent No.1 in a rash and negligent manner, at a high speed, came and hit the motorcycle. As a result thereof, both the occupants fell on the road and received multiple grievous injuries and their motorcycle was badly damaged. Satbir Singh died on the spot due to serious injuries, whereas Jai Parkash expired during the treatment.

The deceased was bachelor. In a claim petition filed under Sections 166/140 of the Motor Vehicles Act, 1988, on account of death of Jai Parkash, aged about 30 years, the Tribunal has awarded a total compensation of ₹3,16,000/- along with interest @ 6% from the date of filing the claim petition till its payment.

Not satisfied with the aforesaid amount of compensation, the appellants-claimants have preferred the present appeal seeking enhancement of compensation.

Learned counsel for the appellants has argued that on the date of occurrence i.e. 23.07.2008, even the minimum wages as per Govt. Notification were ₹3664.54 ps rounded off to ₹3,700/- per month, whereas the Tribunal has assessed the compensation by considering the income of the deceased as ₹3,000/- per month. Even the Tribunal has not granted additional amount towards the future prospects and as against the admissible amount of ₹30,000/- under the conventional heads, i.e. ₹15,000/-

on account of funeral expenses and ₹15,000/- towards loss of estate, an amount of ₹10,000/- has been granted. In this manner, the claimants are entitled for an addition of ₹20,000/- under the conventional heads alone.

On the other hand, learned counsel for respondent No.3- Insurance Company has argued that adequate compensation has already been granted to the appellants and there is no further scope for enhancement of compensation.

I have heard the learned counsel for the parties.

There is no dispute so far as death of Jai Parkash in a motor vehicular accident is concerned. He was 30 years of age at the time of accident. The minimum wages as per Govt. Notification by the State of Haryana were ₹3664.54 ps rounded off to ₹3,700/- per month. As held by the Hon'ble Apex Court in case **National Insurance Company Limited Versus Pranay Sethi and others, 2017 (4) R.C.R (Civil) 1009**, the claimants are entitled for an addition of 40% towards future prospects and under the conventional heads, the claimants are entitled to ₹30,000/- instead of ₹10,000/- as granted by the Tribunal. After re-appraising the evidence and in view of the law laid down by the Hon'ble Apex Court in **Pranay Sethi's case (supra)**, the claimants are entitled for the following compensation:-

Monthly income	:	₹3,700/-
Future prospects (40%)	:	₹1,480/-
Total monthly income	:	₹5,180/-
Annual income	:	₹62,160/-
Annual dependency (after 50% deductions)	:	₹31,080/-
Total loss of dependency (₹31,080 x 17)	:	₹5,28,360/-

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Loss of estate : ₹15,000/-

Funeral expenses : ₹15,000/-

Total amount of compensation : ₹5,58,360/-

Amount already awarded : ₹3,16,000/-

Enhanced amount : ₹2,42,360/-

The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing the claim-petition till its realization.

Since the appeal has been filed after a delay of 228 days, the appellants-claimants shall not be entitled to interest for the delayed period.

With the aforesaid modification in the award, the present appeal stands disposed of.

April 19, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No