

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.5691 of 2012

Date of Decision: 18.05.2018

Kulwinder Kaur and others

.....Appellants

Vs.

Amarjit Singh and ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Abhimanyu Kalsy, Advocate, for the appellants.

Mr.Sukhdarshan Singh, Advocate, for respondents No.3.

Mr.D.K.Prajapati, Advocate, for
Mr.R.S.Madan, Advocate, for
respondent No.6/Insurance Company.

RITU BAHRI J.(Oral)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 03.08.2010, passed by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal') vide which compensation to the tune of Rs.3,00,000/- was awarded to the claimants on account of death of Manvir Singh in a roadside accident.

FACTS NOT IN DISPUTE

On 30.04.2005, the deceased was travelling in Bus bearing registration No.PB-10-BE-0866 which was going from Malerkotla side to Khanna-Malerkotla road. When the bus reached in the area of village Rasulra, respondent No.1 was driving the bus rashly and negligently. In the meantime, a Tanker bearing registration No.PB-10AC-9477 came from Khanna side i.e. from opposite side on a very high speed in a rash and negligent manner being driven by respondent No.4. Both the vehicles struck against each other. Due to that the deceased and other passengers of the bus suffered multiple grievous injuries. The deceased was brought to civil hospital, Khanna but due to serious injuries, he was shifted to Ludhiana, but he died on the way to Ludhiana due to the injuries suffered in the accident.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 18 years old and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The learned Tribunal had assessed the compensation by taking the income of the deceased as Rs.3000/- and considering the loss of company, mental agony and future prospect, a lump sum amount of Rs.3,00,000/- has been granted to the claimants.

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "**National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017.**" On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

RE-ASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgments, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Salary per month	Rs.3,000/-
2.	Future prospect (40%)	Rs.3000/- + Rs.1200/-= Rs.4200/-
2.	Deduction 1/2	Rs.4200/- --- Rs.2100/-= Rs.2100/-
3.	Annual loss of dependency after applying the multiplier	Rs.2100/- X 12 X 18= Rs.4,53,600/-
4.	Conventional heads	Rs.30,000/-
	Total	Rs.4,83,600/-
	Enhanced compensation	Rs.4,83,600/- --- Rs.3,00,000/-= Rs.1,83,600/-

Resultantly, the enhanced amount of compensation of Rs.1,83,600/- shall be payable within a period of forty five days from the

date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Shri Nagar Mal and Ors Vs. The Oriental Insurance Company Ltd. And ors. in Civil Appeal No.448 of 2018.** Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

(RITU BAHRI)
JUDGE

18.05.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No