

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1683 of 2015

Date of Decision: 29.01.2018

Satpal Sharma @ Satpal Kaushik and Anr.

.....Appellants

Vs.

Gurdev Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Saurabh Bhardwaj, Advocate,
for the appellants.

Ms.Vandana Malhotra, Advocate, for
the respondent No.3/Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 01.12.2014, passed by the learned Motor Accident Claims Tribunal, Panchkula (for short, 'the Tribunal') vide which compensation to the tune of Rs.8,60,000/- was awarded to the claimants on account of death of Rahul.

FACTS NOT IN DISPUTE

On 08.11.2013, the deceased Rahul Kumar was going on his motorcycle bearing registration No.HR-99-KR-6094 from Village Morthekari, Tehsil Dera Bassi (Punjab) to attend his job at Village bhagwas, Dera Bassi (Punjab) and when he had reached at near Village Bahadurgarh, Police Station Dera Bassi (Punjab), in the meantime, respondent N.1 while driving Swaraj Tractor bearing registration No.PB-65-V-9376 in a rashly and negligently manner came at a very high speed and struck against the

fatal injuries and ultimately succumbed to the injuries at the spot. An FIR No.234 dated 09.11.2013 for the offence under Sections 279, 304-A IPC was registered at Police Station No.Dera Bassi, District SAS Nagar (Punjab).

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 20 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.

Sr.No.	Heads of compensation	Amount
1	Income per month	Rs.6000/-p.m.
2.	Future prospect 50%	Rs.6,000/- + Rs.3000/-= Rs.9,000/-p.m.
3.	Deduction 50%	Rs.9,000/- ---- Rs.4500/-= Rs.4500/-
4.	Loss of dependency after applying the multiplier	Rs.4500/- X 12 X 15= Rs.8,10,000/-
5.	Loss of estate	Rs.25,000/-
6.	Funeral expenses	Rs.25,000/-
	Total	Rs.8,60,000/-

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, Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77'**. 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	Income per month	Rs.6000/-p.m.
2.	Future prospect 40%	Rs.6,000/- + Rs.2400/-= Rs.8,400/-p.m.
3.	Deduction 50%	Rs.8400/- ---- Rs.4200/-= Rs.4200/-
4.	Loss of dependency after applying the multiplier	Rs.4200/- X 12 X 18= Rs.9,07,200/-
5.	Conventional heads	Rs.30,000/-
	Total	Rs.9,37,200/-
	Enhanced amount of compensation	Rs.9,37,200/- ---- Rs.8,60,000/- =Rs.77,200/-

Resultantly, the enhanced amount of compensation of Rs.77,200/- 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 @ 6% 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 **Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539**. 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

29.01.2018
anil

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

