

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

F.A.O No. 4090 of 2014

Date of decision:-26.03.2018

Smt. Seema and Anr

...Appellants

Versus

Sh.Mangat Ram and Others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashwani Arora, Advocate,
for the appellants.

Mr. Deepak Suri, Advocate,
for respondent No.2-Insurance Company.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as 'the Tribunal') vide award dated 14.11.2013, on account of death of Hrithik Sharma in a motor vehicular accident which took place on 20.06.2010.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 20.06.2010, at about 6.20 P.M., Manoj Kumar Sharma, since deceased, along with his family and relatives namely Smt. Manju, Mrs. Yashika, Master Kartavya, Smt. Seema, Master Hrithik Sharma, Ms. Shreya Sharma @ Saria Sharma, Sh. Anil Kumar, Master Amit Kumar and Smt. Priyanka, car was coming on the road leading from Moonak to Sunam while driving a car bearing registration No. HR-03-J-9145 at a moderate speed and on the due left side of the road. But when they reached near Government High

School, Hamirgarh, a car bearing temporary Registration No. HR-99-FS-1396 came at a very high speed from the opposite direction i.e., from the side of Sunam and while coming on wrong direction of the road, it hit against the car of deceased. The above said car bearing temporary registration No. HR-99-FS-1396 was being driven at a fast speed and in a rash and negligent manner by Babalji Singh @ Babli. Due to the impact of the accident, all the occupants of the car bearing registration No. HR-03-J-9145 received multiple and grievous injuries and immediately after the accident, they were rushed to hospital. Smt. Manju, Master Hrithik Sharma and Ms. Shreya Sharma @ Saria Sharma had succumbed to the injuries at the spot. This accident took place because of the rash and negligent driving of driver of the car bearing temporary registration No. HR-99-FS-1396, which was being driven by its driver namely Babalji Singh @ Babli. The matter was reported to Police and in this regard, a criminal case arising out of FIR No. 95 dated 20.06.2010, under Sections 279/337/338/304-A IPC was registered against Babli for causing this accident with his rash and negligent driving at Police Station Moonak, District sangrur (Punjab).

Consequently, claimants-appellants filed a claim petitions before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of negligent driving of offending vehicle by Babljit Singh @ Babli or deceased Manoj Kumar or composite negligence of both the drivers of both the vehicles. Claimants deposed that at the time of accident/death,

deceased was 13 years of age and he was a student of 6th class being studied in Government Senior Secondary School, Kharar.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. Hence, Tribunal assessed the compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Notional income	Rs. 30,000/- per annum
(ii)	Multiplier applied	Rs.30,000X15=4,50,000/-
(iii)	Compensation towards conventional heads	Rs.20,000/-
	Total Compensation	Rs. 4,70,000/-

Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

REASSESSED COMPENSATION

The fact of accident is admitted and proved. In the peculiar facts and circumstances of the case, to meet the ends of justice and compensation awarded by the Tribunal requires to be reassessed keeping in view that had the deceased been alive, he would have certainly contributed substantially to the family of the claimants by working hard. Hence, reassessed amount of compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Notional Income	Rs. 40,000/- per annum
(ii)	Multiplier applied	Rs. 40,000X15=6,00,000/-
(iii)	Compensation towards conventional heads	Rs. 30,000/-
	Total reassessed compensation	Rs.6,30,000/-
	Enhanced amount of compensation	Rs.6,30,000 -4,70,000=Rs.1,60,000/-

The enhanced amount of compensation of **Rs.1,60,000/-**

shall be payable within a period of two months from the date of receipt of certified copy of this order. As per the judgment of Hon'ble Supreme Court in case **Shri Nagar Mal and Ors versus The Oriental Insurance Company Ltd. And Ors decided on 19.01.2018** the enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

26.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>