

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2825 of 2015

Date of Decision: 12.03.2018

Subedar Singh and others

.....Appellants

Vs.

Kulwant and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:-

Mr.Nitin Garg, Advocate, for the appellants.

Mr.N.K.Manchanda, Advocate,
for respondents No.1 and 2.

Mr.B.S.Taunque, Advocate, for
respondent/Insurance company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 14.11.2014 passed by the learned Motor Accident Claims Tribunal, Ropar (for short, 'the Tribunal') vide which compensation to the tune of Rs.9,34,000/- was awarded to the claimants on account of death of Paramjit Kaur in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 01.05.2014, deceased Paramjit Kaur was going towards Ropar from her village Rail Majra as pillion rider of the motorcycle No.PB-12-D-3101 which was driven by Faquir Chand son of Mohinder Pal. At about 6:00 p.m. When they reached at bridge of Satluj river, Bus bearing No.PB-03-AC-5700 came from back side in rash and negligent manner driven by respondent No.1 without blowing any horn and hit the motorcycle from rear

side, as a result thereof, Paramjit Kaur received multiple injuries and died at the spot. A formal FIR No.89 dated 1.05.2014 for the offence under Sections 279, 338, 304-A and 427 IPC was registered at P.S.City Ropar.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 32 years old at the time of her death. The claimants failed to produce on the record any documentary evidence regarding income of the deceased as such her income was assessed by the learned Tribunal as Rs.6000/- per month as she was doing the dairy farming. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Income as casual labourer	Rs.6000/- -per month
2.	Deduction 1/4th	Rs.6000/- --- Rs.1500/-= Rs.4500/-
3.	Total loss of dependency after applying multiplier	Rs.4500/- X 12 X 16= Rs.8,64,000/-
4.	Loss of consortium	Rs.50,000/-
5.	Funeral expenses	Rs.20,000/-
	Total	Rs.9,34,000/-

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 "**United India Insurance Company Limited Vs. Sube Singh and others** passed in FAO No.218 of 2014" and **National insurance Company Ltd. Vs. Pranay Sethi and others** passed in SLP (Civil) No.25590 of 2014. On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

RE-ASSESSED COMPENSATION

record.

As per judgment of "**United India Insurance Company Limited Vs. Sube Singh and others passed in FAO No.218 of 2014**", deceased was 32 years old lady and the co-ordinate Bench has considered that to tag a house wife as a 'skilled' worker alone does not do complete justice to her multifarious role as a home manager. It has been further observed that a house wife is something more than a mere skilled worker it would not be unreasonable to estimate the contribution of the deceased in the present case at a higher figure. Being a housewife, her income has been assessed at Rs.9,000/- per month and no deduction has been made on the income part. As such, in the present case, income of the deceased-Paramjit Kaur is taken as Rs.9,000/- and no cut shall be imposed thereof.

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 judgment, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Income as per minimum wages	Rs.9,000/- per month
2.	Total loss of dependency after applying multiplier	Rs.9000/- X16 X12= Rs.17,28,000/-
5.	Conventional heads	Rs.70,000/-
	Total	Rs.17,98,000/-
	Enhanced amount of compensation	Rs.17,98,000/- ----- Rs.9,34,000/-= Rs.8,64,000/-

Resultantly, the enhanced amount of compensation of Rs.8,64,000/- 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 Limited and Others passed 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 and cross-objection is disposed of.

(RITU BAHRI)
JUDGE

12.03.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No