

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

**FAO No.2600 of 2016 (O&M)  
Date of decision: 13.03.2018**

Smt. Darshna and another

....Appellants

Versus

Mandeep and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Ankit Grewal, Advocate,  
for the appellants.

Mr. Vinod Gupta, Advocate,  
for respondent No.3-Insurance Company.

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**RITU BAHRI J. (Oral)**

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Jind (hereinafter referred to as 'the Tribunal') vide award dated 03.07.2015, on account of death of Manjeet Singh in a motor vehicular accident which took place on 14.03.2014. Appellants are parents of deceased Manjeet Singh.

**FACTS NOT IN DISPUTE**

Brief facts of the case are that on 14.03.2014, at about 9.30 P.M., Manjeet Singh (since deceased) was returning from Budha Baba Basti, Jind to village Nandgarh on his motorcycle bearing registration No. HR-31-G-1350. He was being followed by his cousin brother namely Nitu.

When the deceased reached near Bhiwani Bye Pass, Railway Road, Jind, a

car bearing registration No. HR-32-G-6465 being driven by Mandeep-respondent No.1 in a rash and negligent manner, came and struck against the motorcycle of Manjeet Singh, as a result of which, he fell down and received multiple, grievous and serious injuries. After the accident, respondent No.1 fled away from the spot along with his vehicle. Manjeet Singh was taken to General Hospital, Jind, where he succumbed to the injuries. With regard to the incident, FIR No.207 dated 02.03.2013, under Sections 279 and 304-A IPC was registered at Police Station, City, Jind. Consequently, the claimant-appellants filed a claim petition 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 taken place on account of rash and negligent driving of offending vehicle by respondent No.1, as a result of which Manjeet Singh has died and thus, returned the finding on issue no.1 in favour of the claimants. This finding was rightly given on the basis of the deposition of Nitu (PW-1), who was an eye witness of the accident and on whose statement, FIR Ex.P1 was registered. Further, the claimants have proved on record copy of postmortem report, Ex.P2 and death certificate of Manjeet Singh as Ex.P3.

In the absence of any documentary proof, income of the deceased was assessed as Rs.6000/- per month. Out of this, one-half amount was deducted towards personal expenses of the deceased and dependency of claimants came to Rs.3000/- per month i.e. Rs.36,000/- per annum. The deceased was 28 years of age at the time of accident/death. He was unmarried. Tribunal has applied the multiplier of 18 . The dependency

of claimants came to Rs.6,48,000/- (36,000/- x 18). In addition to this, Rs.50,000/- were awarded to the claimants on account of loss of love and affection, Rs.5000/- as loss of estate and Rs.25,000/- towards funeral expenses etc. Hence, the claimants were found entitled to total compensation of Rs.7,28,000/- along with interest @ 9% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

**REASSESSED COMPENSATION**

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

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. In the peculiar facts and circumstances of the case, to meet the ends of justice, the compensation is hereby reassessed in view of the judgments passed by Hon'ble the Supreme Court in **Sarla Verma and others vs. Delhi Transport Corporation and another**, 2009 (3) RCR (Civil) Page 77 and **National Insurance Company Limited Vs. Pranay Sethi and others**, Special Leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017) as under:-

| Sr. No. | HEADS                                                              | CALCULATIONS                        |
|---------|--------------------------------------------------------------------|-------------------------------------|
| (i)     | Income                                                             | Rs.6000/- per month                 |
| (ii)    | 40% of (i) above to be added as future prospects                   | 6000 + 2400 = Rs.8400/-             |
| (iii)   | 50% of (ii) above is deducted as personal expenses of the deceased | 8400 – 4200 = Rs.4200/-             |
| (iv)    | Compensation after multiplier of 17 is applied                     | Rs.4200/- x 12 x 17 = Rs.8,56,800/- |
| (v)     | Compensation under the conventional heads                          | Rs.30,000/-                         |
| (vi)    | <b>TOTAL COMPENSATION AWARDED</b>                                  | <b>Rs.8,86,800/-</b>                |

|       |                                 |                                           |
|-------|---------------------------------|-------------------------------------------|
| (vii) | Enhanced amount of compensation | Rs.8,86,800 – 7,28,000 =<br>Rs.1,58,800/- |
|-------|---------------------------------|-------------------------------------------|

The enhanced amount of compensation of **Rs.1,58,800/-** shall be payable within a period of two months 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 the case of “**Shri Nagar Mal and others vs. The Oriental Insurance Company Ltd. and others**, Civil Appeal No.448 of 2018 (arising out of SLP (C) No.26853 of 2016) decided on 19.01.2018.” Remaining conditions of disbursal shall remain the sme.

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

**(RITU BAHRI)**  
**JUDGE**

13.03.2018  
ajp

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