

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.6294 of 2013

Date of Decision: 08.05.2018

Gurdev Kaur

.....Appellant

Vs.

Gurcharan Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.J.S.Cooner, Advocate, for the appellant.

Mr.Sham Lal Bhalla, Advocate, for respondents No.1 and 2.

Mr.Ivan Singh Khosa, Advocate, for
Ms.M.N.Kaul, 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 21.10.2013, passed by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib (for short, 'the Tribunal') vide which compensation to the tune of Rs.18,66,000/- was awarded to the claimants on account of death of Hardeep Singh.

FACTS NOT IN DISPUTE

On 02.02.2011, the deceased Hardeep Singh, was going from Fatehgarh Sahib to village Hansali on motorcycle No.B-23-H-2986 on the correct side of his hand of the road. Paramjit Singh alias Paramjit Singh Mann, father of Hardeep Singh and one Baljit singh were following him on scoter No.PB-23-C-0248 and at about 10:30 am when reached near Gurudwara Jyoti Saup, Fatehgarh Sahib on Fatehgarh Sahib-chuni Mohali road then bus bearing No.PB 23-D-6687 came from the side of Mohali in very high speed without blowing horn in a rash and negligent manner and struck against the scooter driven by Hardeep Singh and dragged the scooter with Hardeep Singh to a far distance. Hardeep Singh was shifted to Civil

Hospital, Fatehgarh Sahib from where he was referred to PGI Chandigarh

where he was declared brought dead. An FIR No.20 dated 02.02.2011 was registered with regard to occurrence in terms of the version of claimant Paramjit Singh Maan.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 24 years old and the claimants produced on the record the documentary evidence i.e. Ex.P20 to Ex.P36 of his pay slips where he was drawing salary of an amount of Rs.17,000/- per month. 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	Salary per month	Rs.17,000/-
2.	Deduction 50%	Rs.17,000/- --- Rs.8,500/- = Rs.8500/-
3.	Annual loss of dependency after applying the multiplier	Rs.8,500/- X 12 X 18= Rs.18,36,000/-
4.	Funeral and last ceremony	Rs.30,000/-
	Total	Rs.18,66,000/-

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.** 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.17000/- per month
2.	Future prospect 40%	Rs.17,000/- + Rs.6800/-= Rs.23,800/-

3.	Future prospect (50%)	Rs.23,800/- --- Rs.11,900/=
4.	Annual loss of dependency after applying the multiplier	Rs.11,900/- X 12 X 18= Rs.25,70,400/-
5.	Conventional heads	Rs.30,000/-
	Total	Rs.26,00,400/-
	Enhanced compensation	Rs.26,00,400/- --- Rs.18,66,000/- = Rs.7,34,400/-

Resultantly, the enhanced amount of compensation of Rs.7,34,400/- 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

08.05.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No