

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O No. 4372 of 2015
Date of decision:- 16.01.2018

Anita Rani and anr ...Appellants

Versus

Paramjit Singh and Others. ...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Rishav Jain, Advocate,
for the appellants.

Ms. Sakshi Saini, Advocate for
Mr. HPS, Ishar, Advocate,
for respondent No. 1.

Mr. Rakesh Gupta, Advocate,
for respondent No. 2.

Mr. Sanjeev Kodan, Advocate,
for respondent No. 3.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellants seeking modification of compensation awarded by Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal') vide Award dated 22.07.2014, on account of death of Kanchan Bhalla in a motor vehicular accident, which took place on 20.10.2012.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 20.10.2012, when deceased Kanchan Bhalla was going along with her friends to pay obeisance at Kali Mata Mandir, Mall Road, Patiala, met with an accident. In the said accident she suffered multiple and grievous injuries and thereafter she was taken to Rajindera Hospital Patiala, from where, after given first aid she was

referred to PGI Chandigarh, where she remained admitted in Neurosurgery Department and ultimately died on 10.11.2012. In this regard, FIR No. 151 dated 20.10.2012 under Sections 279/337/304-A IPC was registered at Police Station Lahori Gate, Patiala against respondent No. 1. Consequently, the claimants (appellant Nos. 1 and 2) filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY MACT

As per the findings of the Tribunal, the deceased in the present case was about 25 years old at the time of the accident. The Tribunal took the income of the deceased at Rs.6,000/- per annum, out of which 50% was deducted towards personal expenses and thereafter, applied the multiplier of 18, in view of *Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77*. As per the decision of Hon'ble Supreme Court in case titled as *Rajesh & Others Versus Rajbir Singh and Others 2013(3) Civil Court Cases 15,* wherein, it has been laid down in the case of self employed or persons with fixed wages that in case, the deceased victim was below 40 years, there must be an addition of 50% to the actual income of the deceased while computing future prospects. As such, the compensation payable in the present case is assessed as under :

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.6000/- per month
(ii)	50% of (i) above to be added as future prospects	Rs. 6000+ Rs. 3000= Rs. 9000/- per month.
(iii)	50% of (ii) deducted as personal expenses of the deceased	Rs. 9000-Rs. 4500=Rs. 4500 per month.
(iv)	Compensation after multiplier of 18 is applied.	Rs. 4500 X12X18=Rs. 9,72,000/-
(v)	Reimbursement of medical bills Ex. P8 to Ex. P68 on account of medical treatment of deceased Kanchan Bhalla.	Rs. 1,98,412/-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(vi)	Attendent Charges for 20 days admission of deceased in PGI till her death.	Rs. 10,000/-
(vii)	Funeral Expenses	Rs. 25,000/-
(Viii)	Total (iv)to (Vi)	Rs. 972,000/- +Rs. 1,08,412/-+ 10,000/- +25,000 = Rs. 11,15,412/-

Hence, total amount awarded by the Tribunal to claimants is Rs.11,15,412 /-.

Heard.

Leaned Counsel for the appellants, *inter alia*, contends that wrong calculation has been made by the Ld. MACT in the head of reimbursement of medical bills. An amount of Rs. 1,98,412/- has been awarded, whereas while calculating the total amount of compensation, the amount of Rs. 1,08,412/- has been added worngly in the total amount of compensation.

A perusal of the award shows that there was a typographical mistake while calculating the amount of compensation in the head of Reimbursement of medical bills Ex. P8 to Ex. P68 on account of medical treatment of deceased Kanchan Bhalla. The amount should be of Rs.1,98,412/- whereas, while calculating the total compesation amount wrongly taken as Rs. 1,08,412/- it should be corrected.

In the present case, the compensation is being reassessed after correcting the typographical mistake made in the Award passed by the Tribunal which is as under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.6000/- per month
(ii)	50% of (i) above to be added as future prospects	Rs. 6000+ Rs. 3000= Rs. 9000/- per month.
(iii)	50% of (ii) deducted as personal expenses of the deceased	Rs. 9000-Rs. 4500=Rs. 4500 per month.

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(iv)	Compensation after multiplier of 18 is applied.	Rs. 4500 X12X18=Rs. 9,72,000/-
(v)	Reimbursement of medical bills Ex. P8 to Ex. P68 on account of medical treatment of deceased Kanchan Bhalla.	Rs. 1,98,412/-
(vi)	Attendent Charges for 20 days admission of deceased in PGI till her death.	Rs. 10,000/-
(vii)	Funeral Expenses	Rs. 25,000/-
(Viii)	Total (iv)to (Vi)	Rs. 972,000/- +Rs. 1,98,412/-+ 10,000/- +25,000 = Rs. 1,205,412/-

The enhanced amount of compensation of Rs.90,000/- shall be payable within a period of forty five days (45) from the date of receipt of certified copy of this order. The appellants shall also get interest @ 9% per annum from the date of filing of the claim petition, in view of the judgment of the Hon'ble Supreme Court passed in *Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539*. The 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.

16.01.2018
Riya Grover

(RITU BAHRI)
JUDGE

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