

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-873-2013 (O&M)

Date of decision: 14.05.2018

Bir Kaur and another

...Appellants

V/s.

Gulshan Grover and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Sandeep Goyal, Advocate for the appellants.

Mr. Suman Jain, Advocate for
respondent No. 3-insurance co.

RITU BAHRI, J. (Oral).

CM-5091-CII-2018

This is an application for fixing the date of hearing in the case.

Application is allowed and the main case is taken on Board
today itself.

FAO-873-2013

The claimants have come up in appeal against the award dated
01.11.2012 passed by Motor Accident Claims Tribunal, Kaithal (for short
'the Tribunal') whereby they have been awarded a compensation of
Rs.3,67,000/- on account of the death of Manjit Singh who died in a road
accident which took place on 17.10.2010.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 17.10.2010, Manjit Singh
was coming on his motor-cycle No. HR-08H-3699 from Pundri to Kaithal, a
santro car bearing registration No. HR22B-8181 being driven by respondent

No.1-Gulshan Grover rashly and negligently struck with his motor-cycle which resulted into serious injuries and he died at the spot.

With regard to the alleged accident, the complainant Ramesh Kumar (an eye witness of the said accident) registered an FIR No. 227 dated 17.10.2010 (Ex.P8) under Sections 279 and 304-A IPC at Police Station Pundri against driver/respondent No. 1-Gulshan Grover. Consequently, the claimant-appellants filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

The parties are not in dispute with regard to finding on issue No. 1 that the accident took place on account of rash and negligent driving by respondent No. 1-Gulshan Grover. This finding has been rightly given keeping in view that the FIR No. 227 dated 17.10.2010 (Ex.P8) under Sections 279 and 304-A IPC at Police Station Pundri was registered against respondent No. 1-Gulshan Grover and he was also challaned (Ex.P4). The postmortem report (Ex.P9) corroborated the version that the death was on account of accidental injuries.

The deceased was 27 years of age at the time of accident and was un-married. The Tribunal has assessed the compensation as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Income	Rs.3500 p.m.
(ii)	50% deduction for personal expenses	3500-1750=1750
(iii)	Compensation after multiplier of 17 applied	1750 X 12 X 17=3,57,000/-
(v)	Funeral expenses	Rs.10,000/-
(vii)	TOTAL COMPENSATION AWARDED	Rs. 3,67,000/-

Hence, the claimant was found entitled to total compensation of Rs.3,67,000/- 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

The fact of accident is admitted and proved. Finding of negligence has rightly been given by the Tribunal and it does not require any interference on that account. In the peculiar facts and circumstances of the case, to meet the ends of justice, the compensation is hereby reassessed as under keeping in view the minimum wages prevalent in the State of Haryana in the year 2010:-

Sr. No.	HEADS	CALCULATIONS
(i)	Income	Rs.4500 p.m.
(ii)	40% future prospects	4500+1800=6300
(ii)	50% deduction for personal expenses	6300-3150=3150
	Compensation after multiplier of 17 applied	3150 X 12 X 17=6,42,600
(iii)	Conventional head	Rs. 30,000
(vi)	TOTAL COMPENSATION AWARDED	Rs. 6,72,600/-
(vii)	ENHANCED AMOUNT OF COMPENSATION	Rs.6,72,600-3,67,000= Rs.3,05,600/-

The enhanced amount of compensation of **Rs.3,05,600/-** 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 V/s. The Oriental Insurance Company Ltd. and others in Civil Appeal No. 448 of 2018.*” Remaining conditions of disbursal of amount shall remain unaltered.

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

(RITU BAHRI)
JUDGE

May 14, 2018
Divyanshi

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