

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4622 of 2015

Date of Decision: 25.05.2018

Sukhmander Singh and others

.....Appellants

Vs.

Gurjeet Singh and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Deepak Gupta, Advocate, for the appellants.

Mr.Pardeep Kumar, Advocate, for the
respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 02.02.2015, passed by the learned Motor Accident Claims Tribunal, Bathinda (for short, 'the Tribunal') vide which compensation to the tune of Rs.5,06,000/- was awarded to the claimants on account of death of Karanveer Singh in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 14.12.2013 at about 9:30 p.m. Deceased Karanveer singh and Lakhvir Singh @ Buta were coming from Talwandi Sabo to village Kot Shamir side on motorcycle of Lakhvir Singh @ Buta and Karanveer singh was pillion rider and Mulkah raj Singh son of Harnek Singh of village Deon and his nephew Jassi were followed them on motorcycle No.PB-02-R-5920 and when they reached just half kilometer away from Dashmesh School

No.RJ 31-CA-0918 was coming which was driven by its driver i.e. respondent No.1 in a very fast, rashly and negligently manner and struck with the motor cycle. Due to this, Karanveer Singh and Lakhvir Singh alias Buta sustained multiple grievous injuries on various parts of their bodies including head injuries and they succumbed to their injuries and died at the spot. A case bearing FIR No.272 dated 15.12.2013 for the offence under Section 304A/279 IPC was registered against respondent No.1 in PS Talwandi Sabo, on the statement of Mulkah Raj Singh.

COMPENSATION ASSESSED BY MACT

Learned Tribunal has assessed the income of the deceased Rs.4500/- per month as per daily wages.

The Tribunal held that the deceased was 24 years old. 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 per daily wages	Rs.4500/- per month
2.	Deduction 1/2nd	Rs.4500/- ---- Rs.2250/-=Rs.2250/-
3.	Total loss of dependency after applying multiplier	2250/- X18 X12= Rs.4,86,000/-
4.	Loss of consortium	Rs.5,000/-
5.	Funeral expenses	Rs.5,000/-
6.	Loss of estate	10,000/-
	Total	Rs.05,06,000/=

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 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

I have heard learned counsel for the parties and perused the record.

The learned Tribunal has assessed the compensation keeping in view that the deceased was working as customer Care Executive in Tata business Support Service Ltd. Industrial Area, Phase-7, Mohali, and as per deposition of CW-3 Sukhwinder Singh, who produce the salary slip of the deceased. As per salary slip of the deceased, he was earning Rs.8366/- per month. So, the income of the deceased is taken as Rs.8366/- rounded off Rs.8400/-

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	Income as per salary sleep	Rs.8400/- per month
2.	Future prospect 40%	Rs.8400 + Rs.3360/-= Rs.11,760/- p.m.
3.	Deduction 50%	Rs.11,760/- pm. ---Rs.5880/-= Rs.5880/-
4.	Annual loss of dependency after applying the multiplier	Rs.5880/- X 12 X 18= Rs.12,70,080/-
5.	Conventional heads	Rs.30,000/-
	Total	Rs.13,00,080/-
	Enhanced amount of compensation	Rs.13,00,080/- ---- Rs.05,06,000/-= Rs.7,94,080/-

Resultantly, the enhanced amount of compensation of

Rs.7,94,080/- 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.

(RITU BAHRI)
JUDGE

25.05.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No