

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

F.A.O No. 5412 of 2015

Date of decision:- 17.01.2018

Parminder Singh and Anr.

...Appellants

Versus

Zora Singh and Anr.

...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.G.S.Sandhu, Advocate,
for the appellants.

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

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') vide award dated 21.03.2015, on account of death of Akashdeep Singh in a motor vehicular accident which took place on 01.12.2012.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 01.12.2012, Akashdeep (since deceased) while waiting for school bus was standing with his uncle Ranjit Singh on the left side of the road, near Miglani Furniture House, Assandh. In the meantime, a truck bearing bearing registration No. PB-19H-5744 (hereinafter referred to be offending vehicle) driven by respondent No. 1 in a rash and negligent manner came from Jind side and struck into Akashdeep and run over him. He sustained grievous injuries and was taken to General Hospital, Assandh by his uncle Ranjit Singh, from where, he was referred to General Hospital, Karnal where he was declared brought dead. In this regard FIR No.392 dated 01.12.2012 under Sections 279 and 304-A IPC

was registered against respondent No. 1 at Police Station Assandh. Consequently, claimants-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 been caused on account of negligent driving of offending vehicle by respondent No.1. The deceased was 10 years of age at the time of accident/death. This finding was rightly given on the basis of FIR, others documentary evidence led by the claimants and Judgment referred by ld. Counsel for the claimants in case titled as **Kishan Gopal and Anr versus Lala and others 2013 ACJ 2594 (SC)**, wherein Hon'ble Supreme Court, assessing the notional income of the deceased @ Rs.30,000/- per annum and by applying multiplier of 15 and further Rs.50,000/- under conventional heads towards loss of love and affection and funeral expenses awarded Rs.5 lacs in total as compensation alongwith interest @9% per annum, to claimants who were parents of deceased boy aged 10 years. As per following the ratio of the above cited judgment, Tribunal awarded compensation total amount of Rs.5 lacs to claimants alongwith interest @9% per annum. Out of Rs.5 lacs, claimants shall be paid 50% amount in cash in equal shares and remaining 50% amount shall be kept in FDRs in equal share in some nationalized bank for three years.

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 *National Insurance Company Limited Vs.Pranay Sethi and others, Special Leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017)*, as under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Notional income of the deceased	Rs. 40,000/- per annum
(ii)	Multiplier applied	Rs.40,000X15= 6,00,000/-
(iii)	Compensation towards conventional heard	Rs. 50,000/-
	Total Compensation awarded (ii)+(iii)	Rs. 6,00,000 + Rs. 50,000 =Rs. 6,50,000/-
	Enhanced amount of compensation	Rs.6,50,000 -5,00,000=Rs.1, 50,000/-

The enhanced amount of compensation of **Rs.1,50,000/-** 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 @ 9% 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 “*Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others*”, 2015(1) SCC 539.

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.

17.01.2018

Riya Grover

(RITU BAHRI)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No