

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.6435 of 2015  
Date of Decision: 08.03.2018

Smt.Vidhya and anr.

.....Appellants

Vs.

Satbir Singh and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

**Present:-** Mr.Arun Kumar Singal, Advocate, for the appellants.

Ms.Vandana Malhotra, Advocate, for respondent/Insurance Co.  
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**RITU BAHRI, J. (ORAL)**

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 18.03.2015, passed by the learned Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal') vide which compensation to the tune of 4,42,000/- was awarded to the claimants on account of death of their son Surender Singh..

**FACTS NOT IN DISPUTE**

On 15.12.2011, Surender Singh (deceased) and one Naveen Kumar were going to their village Mehrana by means of motorcycle bearing No.HR-06V-8783, Make-Yamaha. The motorcycle was being driven by deceased Surender Singh and Naveen Kumar was riding the pillion. At about 8:00 p.m. when they reached near LCRT School on Gohana Road, Panipat a car bearing No.HR-60B-8009 being driven by respondent No.1 in a rash and negligent manner and without blowing horn, came from the side of Panipat and directly hit their motorcycle, as a result of which, they fell down and sustained injuries. Surender Singh succumbed to the injuries and died at the spot. A case bearing FIR No.826 dated 16.12.2011 was registered in Police Station Model Town, Panipat, regarding the said accident.

**COMPENSATION ASSESSED BY MACT**

The Tribunal held that the deceased was 22 years old and the claimants had not produced any proof with regard to the income of the

deceased. 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      | Income                                                 | Rs.8,000/- per month                     |
| 2.     | Deduction ½                                            | Rs.8,000/- --- Rs.4,000/-=<br>Rs.4,000/- |
| 3.     | Total loss of dependency after applying the multiplier | Rs.4,000/- X 12 X 9=<br>Rs.4,32,000/-    |
| 4.     | Transportation charges                                 | Rs.10,000/-                              |
|        | Total                                                  | Rs.4,42,000/-                            |

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 judgment, the income of the deceased is reduced and compensation has to be re-assessed as follows:-

| Sr.No. | Heads of compensation                                  | Amount                                  |
|--------|--------------------------------------------------------|-----------------------------------------|
| 1      | Income                                                 | Rs.8,000/- per annum                    |
| 2.     | Future Prospect 40%                                    | Rs.8,000/- + Rs.3200/-=<br>Rs.11,200/-  |
| 3      | Deduction 50%                                          | Rs.11,200/- --- Rs.5600/-=<br>Rs.5600/- |
| 4.     | Total loss of dependency after applying the multiplier | Rs.5600/- x 12 x 18=<br>Rs.12,09,600/-  |
| 5.     | Conventional heads                                     | Rs.30,000/-                             |
|        | Total                                                  | Rs.12,39,600/-                          |
|        | Enhanced amount of                                     | Rs.12,39,600/- ---- Rs.4,42,000/-       |

|  |              |                 |
|--|--------------|-----------------|
|  | compensation | = Rs.7,97,600/- |
|--|--------------|-----------------|

Resultantly, the enhanced amount of compensation of Rs.7,97,600/- 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

08.03.2018  
anil

*Whether speaking/reasoned Yes/No*

*Whether reportable Yes/No*