

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.652 of 2015

Date of decision:- 22.03.2018

Anmol Singh and others

...Appellants

Versus

Gurinder Singh and others

...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.S.S.Narula, Advocate, for the appellant.

Mr.G.S.Brar, Advocate, for respondents No.1 and 2.

Mr.Rajbir Wasu, Advocate, for respondent No.3.

RITU BAHRI J. (Oral)

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 30.09.2014, passed by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') vide which compensation to the tune of Rs.5,40,600/- was awarded to the claimants on account of death of Manjit Kaur wife of Jaspal Singh in motor vehicular accident which took place on 18.01.2013.

FACTS NOT IN DISPUTE

On 18.01.2013, claimants and deceased Manjit Kaur were going to Ludhiana in Santro Car No.PB-11Y-5782 which was being driven by Jaspal Singh claimant No.3 on a moderate speed and on correct side of the road. Manmohan Singh which was going to Amritsar in his car No.PB-2AY-8070 was following them. At about 10:00 am when their car reached near bus stand Bagrian, then Mahindra Bolero No.PB-65L-1680 came from the opposite side and on seeing the said Bolero, Jaspal Singh took his santro care towards the kacha path on left side but respondent No.1 who was driving the offending vehicle on very high speed rashly and negligently struck his Mahindra Bolero in Santro Car. Manmohan Singh stopped his car and found that Manjit Kaur died at the spot due to head injury. The other claimants also received multiple and grievous injuries. They were rushed to

Columbia Asia Hospital, Patiala. The accident occurred due to rash and negligent driving of respondent No.1. An FIR No.7 dated 18.01.2013 for the offence under Section 279, 337, 427, 304-A of IPC was registered in PS Mulepur, District Fatehgarh Sahib against respondent No.1 on the statement of Manmohan Singh.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 45 years old and the claimants failed to produce on the record any documentary evidence regarding 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.3000/-
2.	30% future prospect	Rs.3000/- --- Rs.900/-= Rs.3900/-
3.	Deduction 1/3rd	Rs.3900/- --- Rs.1300/-= Rs.2600/-
4.	Annual loss of dependency after applying the multiplier	Rs.2600/- X 12 X 13= Rs.4,05,600/-
4.	Loss of consortium	Rs.1,00,000/-
5.	Loss of care and guidance for minor children	Rs.10,000/-
6.	Funeral Expenses	Rs.25,000/-
	Total	Rs.05,40,600/-

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** and "**United India Insurance Company Ltd. Vs. Sube Singh and Others passed in FAO No.218 of 2014**; wherein it has been held that a house wife as a skilled worker alone does not do complete justice to her multifarious role as a home manager and it would not be unreasonable to estimate the contribution of her in the present case at a higher figure.

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 and Hon'ble High Court in the above mentioned judgments, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Income	Rs.9000/-
2.	Annual loss of dependency after applying the multiplier	Rs.9000/- X 12 X14= Rs.15,12,000/-
3.	Conventional Heads	Rs.70,000/-
	Total	Rs.15,82,000/-
	Enhanced amount of compensation	Rs.15,82,000/- ----- Rs.05,40,600/-= Rs.10,41,400/-

Resultantly, the enhanced amount of compensation of Rs.10,41,400/- 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.

22.03.2018
anil

(RITU BAHRI)
JUDGE

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