

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

**FAO No.6543 of 2015 (O&M)
Date of decision: 23.1.2018**

Giatri Devi and another

....Appellants

Versus

Satyajot Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms.Ekta Thakur, Advocate for the appellants.

Mr.R.P.S.Cheema, Advocate for respondent No.1.

Mr.S.S.Sidhu, Advocate for respondent No.3-Insurance
Company.

RITU BAHRI J. (Oral)

Claimants are in appeal against the award of the Motor Accident Claims Tribunal, Chandigarh dated 16.7.2015 whereby compensation of Rs.13,40,000/- has been awarded on account of death of Sujata Sharma, who was 24 years of age, in a road accident which took place on 11.4.2014.

FACTS NOT IN DISPUTE

On 11.4.2014 at about 9.15 p.m. Sujata Sharma (since deceased) was coming from Honda Block Sector 49, Chandigarh for going towards Sector 49-D, Chandigarh driving her Activa bearing registration No.PB65-Q-3740. When she reached 11 paces away from SBI Society and Vidhan Sabha Society gate, respondent No.1 while driving car bearing registration No.PB02-A-0151 in rash and negligent manner came from the

side of Verka Booth, Sector 49, Chandigarh and hit Sujata Sharma and continued dragging her for considerable distance. As a result of which, she suffered multiple injuries on vital organs of her body which proved fatal for her. Regarding this FIR No.173 dated 11.4.2014 under Sections 279/337 IPC was registered at Police Station Sector 34, Chandigarh.

COMPENSATION ASSESSED BY THE MACT

The Tribunal has decided issue No.1 in favour of the claimants keeping in view FIR Ex.P1 had been registered against the driver of the offending vehicle even though he had been acquitted in criminal case vide judgment dated Annexure R-2. Ultimately, the claim petition was accepted by the Tribunal and the compensation was assessed as under:-

Sr. No.	Heads	Amount (Rs.)
1.	Income	Rs.7500x12 = 90,000/-
2.	Future prospects 50%	Rs.1,35,000/-
3.	½ deduction towards personal expenses	Rs.67,500/-
4	Multiplier	18
5	Loss of dependency	Rs.67500x18= Rs.12,15,000/-
6	Expenses incurred on transportation, funeral and last rites	Rs.25,000/-
7	On account of loss of love and affection to the claimants	Rs.1,00,000/-
	Total compensation	Rs.13,40,000/-

Learned counsel for the appellants contends that the income of the deceased has not been rightly assessed by the Tribunal. In support of his contention, he has relied upon a decision of the larger Bench of Hon'ble the Supreme Court in **Ashvinbhai Jayantilal Modi Vs. Ramkaran Ramchandra Sharma and another 2014(4) RCR(Civil) 543** wherein it

has been held that because of accident, a boy aged 19 years was died, who was a student of Medicine, his income was taken as Rs.25,000/- p.m keeping in view the profession of medicine which was one of the most sought after and rewarding professions in the Society and future income was increased from Rs.18,000/- to Rs.25,000/-.

Learned counsel for the respondents has contended that the award passed by the Tribunal is well reasoned and justified.

I have heard learned counsel for the parties and perused the case file.

REASSESSED COMPENSATION

The factum of accident is admitted and proved. Taking into account the fact that Sujata Sharma (deceased) was B.Sc. Graduate and was taking coaching from Dronacharya Institute for IAS competition and applying the ratio of the larger bench judgment of Hon'ble the Supreme Court in **Ashvinbhai Jayantilal Modi's case (supra)**, her income is taken as Rs.10,000/- and increase of 40% is given to the income of the deceased on account of future prospects. Therefore, amount is calculated at Rs.14,000/-(10,000+4000)x12= Rs.2,52,000/-. By applying multiplier of 18, the amount comes to Rs.30,24,000/-. Deduction of 50% is being made on account of personal expenses of the deceased thereby assessing the amount at Rs.15,12,000/-. Hence, the compensation is hereby re-assessed as under:-

Sr. No.	Heads	Amount (Rs.)
1.	Income	Rs.10,000
2.	Future prospects 40%	Rs.10,000+4000= 14,000/-
3	Multiplier	18

4	Loss of dependency	Rs.14000x12x18= Rs.3,024,000/-
5	After deduction of 50% towards personal expenses	Rs.15,12,000/-
6	Conventional heads	Rs.30,000/-
	Total compensation	Rs.15,42,000/-
	Enhanced amount of compensation	Rs.15,42,000- Rs.13,40,000= Rs.2,02,000/-

The enhanced amount of compensation of **Rs.2,02,000/-** 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.

(RITU BAHRI)
JUDGE

23.1.2018
Meenu

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