

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

FAO No. 6892 of 2015

Date of decision:- 20.02.2018

Beena Rani and Others

...Appellants

Versus

Lalit Verma and Others

...Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Pranjali P. Chaudhary, Advocate, for
Mr. R. K. Saini, Advocate,
for the appellants.

Ms. Sheenu Sura, Advocate,
for respondent No. 3.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'the Tribunal') vide Award dated 01.07.2015, on account of death of Sanjit Kumar in a motor vehicular accident which took place on 16.04.2014.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 16.04.2014, Sanjit Kumar (since deceased) was going towards Kuldeep Nagar from his village on foot on correct left hand side of the road. At about 9.40 pm, when he reached in front of Petrol Pump of village Nanhera on N-H-1 i.e., on Delhi-Ambala Road, a car bearing registration No. HR-01-AF-5001 (now offending vehicle), being driven by respondent No.1 rashly and negligently, came from behind i.e. Shahbad side and hit the deceased by going on extreme left side

of the road. Due to said impact, deceased fell down on katcha portion of the road and suffered multiple grievous injuries on his whole body and died at the spot. Respondent No. 1 fled away from the spot alongwith offending vehicle. The deceased was taken to General Hospital, Ambala Cantt, where he was declared dead. Post mortem examination on the dead body of the deceased was conducted on 17.04.2014. on the statement of Jagdeep Singh (borthor of the deceased), FIR No. 98 dated 17.04.2014 under Sections 279/304A IPC at Police Station, Parao, Ambala Cantt. Consequently, Claimants-appellant 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 rash and negligent driving of respondent No.1 while driving offending vehicle. The claimants submits that at the time of accident, deceased was 35 years of age. He was contractor of building construction and used to earn Rs.25,000/- per month.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimant. No income proof has been found hence Tribunal took income of the deceased Sanjit Kumar as @ Rs.6000/- per month. Hence, compensation awarded by the Tribunal as under :

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.6000/- per month
(ii)	1/3 rd deducted towards personal expenses	Rs.6000-2000=4,000/- P.M.
(iii)	Multiplier applied	Rs.4000X12X15=7,20,000/-
(iv)	Compensation towards funeral expesnes	Rs.25,000/-
(v)	Compensation towards loss of consortium and estate	Rs. 1,00,000/-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(vi)	Compensation towards loss of love and affection	Rs. 1,00,000/-
	Total Compensation Awarded	Rs.9,45,000/-

Feeling dissatisfied with the impugned award, the claimants-appellants have preferred the present appeal.

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

REASSESSED COMPENSATION

The fact of accident is admitted and proved. In peculiar facts and circumstances of the case, to meet the ends of justice and compensation awarded by the Tribunal requires to be reassessed keeping in view 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)***, income of the deceased assessed by the Tribunal i.e. Rs. 6000/- which is on the lower side as the deceased was semi skilled worker and the same required to be enhanced. Hence income of the deceased assessed by this court @ Rs. 7,000/- being a semi skilled worker and reassessed amount of compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.7000/- per month
(ii)	1/4 th deducted towards personal expenses	Rs.7,000-1,750=5,250/- P.M.
(iii)	40% added towards future prospects	Rs.5,250+2100=7,350/-
(iv)	Multiplier applied	Rs.7,350X12X15=13,23,000/-
(iv)	Compensation towards conventional heads	Rs.70,000/-
	Total Compensation Awarded	Rs.13,93,000/-
	Enhanced amount of compensation	Rs. 13,93,000-9,45,000=4,48,000/-

The enhanced amount of compensation of **Rs.4,48,000** /- shall be payable within a period of two months from the date of receipt of certified copy of this order. As per the judgment of Hon'ble Supreme Court in case **Shri Nagar Mal and Ors versus The Oriental Insurance Company Ltd. And Ors decided on 19.01.2018** the enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization.

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.

20.02.2018

Riya Grover

(RITU BAHRI)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No