

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.750 of 2015

Date of Decision: 02.05.2018

Jagtar Singh

.....Appellant

Vs.

Ashok Kumar and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sanjeev Goyal, Advocate, for the appellant.

Mr.Rajbir Wasu, Advocate, for
respondent No.3-Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the appellant/claimant (for short 'the appellant'), against award dated 06.08.2014, passed by the learned Motor Accident Claims Tribunal, Sangrur (for short, 'the Tribunal') vide which compensation to the tune of Rs.05.04,709/- was awarded to the claimants on account of death of Jaspreet Kaur alias Harpreet Kaur alias Kiranpal Kaur wife of the claimant in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 18.01.2011, the claimant alongwith his wife Jaspreet kaur were going on motorcycle bearing registration No.PB-13-M-0382 from village Dirba towards Mehlan Chowk. The said motorcycle was being driven by the claimant and deceased Jaspreet Kaur was a pillion rider. When they reached at the bus-stand of village Sular Gharat, one truck bearing registration No.PB-12-F-8637 driven by respondent No.1 Ashok Kumar rashly and negligently came from behind and hit the motorcycle of claimant from back side. As a result of which, the motorcycle fell down. The claimant also fell down on the katcha side and deceased Jaspreet kaur fell down on the pucca road. Jaspreet Kaur received multiple grievous and

village Tiranji Khera had also seen the accident who was standing at the bus stand of village Sular Ghartat. A DDR (Ex.C113) has been registered in the concerned police station. Since the claim petition has been filed under Section 163A, it is not required to prove the findings on issue No.1.

COMPENSATION ASSESSED BY MACT

Learned Tribunal has taken the age of the deceased as 23 years at the time of accident. Factum of accident had been proved and the offending vehicle was insured with respondent-Insurance Company (herein). The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Medical bills as per Ex.C1 to Ex.C110	Rs.4,79,709/-
2.	Funeral expenses	Rs.25,000/-
	Total	Rs.5,04,709/-

Learned counsel for the claimant-appellants contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced in view of the judgment in the case of Sunita Vs. Ram Kumar 2012(4) Law Herald 3325 wherein the widow who has been left behind by the husband is entitled to full compensation even after her remarriage. A reference can be made in the case of Surjit Kaur Vs Rajwinder Singh and others 2017 (1) PLR 335 wherein, it has been observed that as per provisions of Motor Vehicles Act, 1988 and Hindu Succession Act, 1956, the widow, even if remarried, shall be entitled to the compensation both as a legal representative and as well as legal heir of the deceased-husband. On the other hand, learned counsel for the respondent/Insurance Company has opposed in the present appeal.

COMPENSATION REASSESSED

I have heard learned counsel for the parties and perused the record.

In the present case, claimant is only legal heir of his wife as such he is entitled to get compensation in view of the judgment referred above. It is not in dispute that the offending vehicle was fully insured with the Insurance company. Keeping in view judgment referred above, the

compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Income of the deceased (notional income)	Rs.40,000/- per annum
2	Total loss of income after applying the multiplier (age 23 years)	Rs.40,000/- X 17= Rs.6,80,000
2.	Medical bills as per Ex.C1 to Ex.C110	Rs.4,79,709/-
3	Funeral Expenses	Rs.25,000/-
	Total	Rs.11,84,709/-
	Enhanced amount of compensation	Rs.11,84,709/- ----- Rs.5,04,709/- = Rs.6,80,000/-

Resultantly, the enhanced amount of compensation of **Rs.6,80,000/-** 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 Limited and Others passed 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

02.05.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No