

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

FAO No.9378 of 2014 (O&M)

Date of Decision: 21.02.2018

Manjita and ors

.....Appellants

Vs.

Devid and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vikrant Hooda, Advocate, for the appellants.

Mr.M.B.Jain, Advocate, for the respondents.

RITU BAHRI, J. (ORAL)

CM No.26030-CII of 2014

For the reasons stated in the application, delay of 35 days in
refiling the appeal is condoned.

Application stands disposed of.

CM No.26031-CII of 2014

For the reasons stated in the application, delay of 41 days in filing
the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the claimant-appellant (for
short 'the appellant'), against award dated 28.02.2014, passed by the learned
Motor Accident Claims Tribunal, Sonapat (for short, 'the Tribunal') vide
which compensation to the tune of Rs.7,37,500/- was awarded to the
claimants on account of death of Satish.

FACTS NOT IN DISPUTE

On 10.07.2011, the deceased Satish alongwith Sudhir Singh son of Ranbir Singh was coming from the fields. At about 10:15 p.m., when they reached near the house of Anup Singh, resident of Rohna, a motorcycle TVS/Max No.HR 08F 4468 came from the side of village Hassangarh in a high speed without headlight driven in a rash and negligent manner and without blowing any horn hit Satish who fell down and became unconscious. He was taken to CHC Kharkhoda by Sudhir and Anand from where he was referred to PGIMS Rohtak where expired on 12.07.2011. An FIR Ex.P1 has been registered with respect to this accident.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 38 years old as per his postmortem report Ex.P2, 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 as per casual labout	Rs.4500/- per month
2.	Deduction 1/4	Rs.4500/- --- Rs.1125/-= Rs.3375/-
3.	Annual loss of dependency after applying the multiplier	Rs.3375/- X 12 X 15= Rs.6.07,500/-
4.	Loss of consortium, love and affection etc.	Rs.1,00,000/-
5.	Funeral expenses	Rs.25,000/-
6.	Loss of estate	Rs.5,000/-
	Total	Rs.7,37,500/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side in view of the

judgment of the Supreme Court in the case of **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 judgments, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1.	Income	Rs.5,000/- per month
2.	Future prospect 40%	Rs.5,000/- + Rs.2,000/-= Rs.7,000/-
3.	Deduction 1/4	Rs.7,000/- ---- Rs.1750/- Rs.5250/- per annum
4.	Annual loss of dependency after applying the multiplier	Rs.5250/- X 15X12=Rs.9,45,000/-
5.	Conventional heads	Rs.70,000/-
	Total	Rs.10,15,000/-
	Enhanced amount of compensation	Rs.10,15,000/- -Rs.7,37,500/-= Rs.2,77,500/-

Resultantly, the enhanced amount of compensation of Rs.2,77,500/- 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

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

21.02.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No