IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O No. 792-2015
Date of decision:- 25.01.2018

Smt. Savitri Devi and ors. ...Appellants

Versus

Lovepreet Singh and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sandeep Kotla, Advocate
for the appellant

Mr R.N. Singal, Advocate
for respondent No. 2-Insurance Company.

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimants-appellants, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Fatehabad (for short, 'the Tribunal') to the tune of Rs.05,55,600/- vide impugned award dated 17.10.2014.

2. The facts which are not in dispute are that on 18.02.2014, Indraj Singh (deceased) was returning to his house situated at village Daulatpur along with bullock-cart after selling sugarcane at Fatehabad. When he reached some distance ahead of Ratia Octroi Post, Fatehabad, then a vehicle bearing registration No. HR-22-F-6789 being driven in a rash and negligent manner by Lovepreet Singh came from back side and struck against the bullock cart. Due to this impact, he received grievous injuries on various part of his body. He was taken to hospital, where he died. F.I.R No. 113 dated 18.02.2014 was registered under Sections 279/336/337/304-A IPC at P.S. City, Fatehabad.

3. As per the Tribunal, the deceased-Indraj Singh in the present case was 50 years old at the time of the accident. The Tribunal took the income of the deceased at Rs.6200/- per month and 1/3rd was deducted towards personal expenses and thereafter, applied the multiplier of 11, in view of ***Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77.*** The claimants were awarded Rs.10,000/- for the last rites and transportation. The total compensation awarded to the claimant was Rs.05,55,600/-.

4. The learned counsel for the claimants-appellants contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to the enhanced.

5. On the other hand, the learned counsel for the respondent-Insurance Company has vehemently opposed the present appeal.

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

7. Reference at this stage can be made to a recent judgment of Hon'ble the Supreme Court of India in a case of ***National Insurance Company Ltd vs. Pranay Sethi and others, passed in Spl Leave Petition (Civil) No. 25590 of 2014, decided on October 31, 2017*** *wherein the* issue with regard to awarding of amount under the conventional heads has been authoritatively decided, while observing as under :-

> *"54. As far as the conventional heads are concerned, we find it difficult to agree with the view expressed in Rajesh. It has granted Rs. 25,000/- towards funeral expenses, Rs. 1,00,000/-loss of consortium and Rs. 1,00,000/- towards loss of care and*

guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi, it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency *in respect of those heads.".*

8. In the present case, the compensation is being reassessed as per the judgments mentioned above:-

Sr. No.	***Heads***	***Calculations***
(i)	Salary	Rs.6200/- per month
(ii)	25% of (i) above to be added as future prospects=	Rs.6200+Rs.1550=Rs.7750/- per month
(iii)	1/3rd of (ii) deducted as personal expenses of the deceased=	Rs.7750-Rs.2583=Rs.5167/- per month
(iv)	Compensation after multiplier of 11 is applied	Rs.5167 X 12 X 11= Rs.06,82,044/-
(v)	Conventional heads (Loss of estate, funeral expenses, loss of love and affection)	Rs.70,000/-
(vi)	Total Compensation awarded	Rs.07,52,044/-
	Enhanced amount of compensation	**Rs.07,52,044-Rs.05,55,600=Rs.1,96,444/- (rounded off to Rs.1,97,000/-)**

9. The enhanced amount of compensation of Rs.1,97,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellants shall also get interest @ 9% per annum from the date of filing of the claim petition, in view of the judgment of Hon'ble the Supreme Court in a case of ***Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539***. The remaining conditions of disbursal of amount shall remain unaltered.

10. Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

25.01.2018 **(RITU BAHRI)**
G Arora ***JUDGE***

Whether speaking/reasoned Yes
Whether reportable No