

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.7081 of 2016

Date of Decision: 12.03.2018

Smt.Deepa and others

.....Appellants

Vs.

Satish and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ram Pal Verma, Advocate, for the appellants.

Mr.Lalit Garg, Advocate, for
the respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 22.04.2016, passed by the learned Motor Accident Claims Tribunal, Sonapat (for short, 'the Tribunal') vide which compensation to the tune of Rs.9,94,000/- was awarded to the claimants on account of death of Pardeep son of Surender in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 14.12.2014, deceased Pardeep son of Surender resident of village Barona, Tehsil Kharkhoda, District Sonapat was coming to his residence on motor cycle No.HR26S-2762 and at about 1:00 p.m. when he reached near Krishan Hotel,Village Rohna,Tehsil Kharkhoda, District Sonapat, the offending vehicle jeep No.HR22C-6847 being driven by respondent No.1 was going ahead of the motorcycle of Pardeep in zig-zag manner and rashly and negligently and respondent No.1 suddenly applied brakes of the offending vehicle and struck against the motorcycle of said Pardeep due to which, Pardeep sustained serious and grievous multiple injuries. After the accident, he was shifted to CHC, Kharkhoda where he was declared dead. The accident was reported to the police vide FIR No.557 dated 14.12.2014 for the offence under section 304-A of IPC at Police

Station Kharkhoda against the respondent No.1.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 21 years old at the time of his death in the accident as per his postmortem report. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Income as per minimum wages	Rs.6,000/- per month
2.	Deduction 1/3th	Rs.6,000/- --- Rs.2000/-= Rs.4000/-
3.	Total loss of dependency after applying multiplier	Rs.4000/-X18X12= Rs.8,64,000/-
4.	Loss of consortium	Rs.1,00,000/-
5.	Loss of estate	Rs.5,000/-
6.	Funeral expenses	Rs.25,000/-
	Total	Rs.9,94,000/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "**National insurance Company Ltd. Vs. Pranay Sethi and others passed in SLP (Civil) No.25590 of 2014.** 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 judgment, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Income as per minimum wages	Rs.6,000/- per month

2.	Future prospect 40%	Rs.6,000/- + Rs.2400/-= Rs.8400/-
3.	Deduction 1/3th	Rs.8400/- --- Rs.2800/-= Rs.5600/-
4.	Total loss of dependency after applying multiplier	Rs.5600/- X18 X12= Rs.12,09,600/-
5.	Conventional heads	Rs.70,000/-
	Total	Rs.12,79,600/-
	Enhanced amount of compensation	Rs.12,79,600/- ---Rs.9,94,000/-= Rs.2,85,600/-

Resultantly, the enhanced amount of compensation of Rs.2,85,600/- 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

12.03.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No