

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

1. FAO No. 1224 of 2017

P.R.T.C through its Gen. Manager & anr. ...Appellants

Versus

Shinderpal Kaur & another ...Respondents

2. FAO No. 2014 of 2017

P.R.T.C through its Gen. Manager & anr. ...Appellants

Versus

Hardeep Singh & anr ...Respondents

Date of decision:- 23.01.2018

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Nitin Kaushal, Advocate
for the appellants

Mr. Rajbir Singh, Advocate
for for respondent No. 1

Mr. Aminder Singh, Advocate for
for respondent No. 2

RITU BAHRI J. (Oral)

C.M. No. 3927-CII-2017 in FAO No. 1224-2017

For the reasons mentioned in the application, delay of 90 days
in filing of the appeal is hereby condoned.

The application stands disposed of.

C.M. No. 6901-CII-2017 in FAO No. 2014-2017

For the reasons mentioned in the application, delay of 127 days
in filing of the appeal is hereby condoned.

The application stands disposed of.

F.A.O No. 1224 and 2014 of 2017

The above said two appeals, as noticed above, are being disposed of by this common judgment, having arisen out of the impugned Award dated 09.08.2016 passed by the learned Motor Accident Claims Tribunal, Sangrur (for short the Tribunal) under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act').

Facts not in dispute

2. On 01.09.2015, Jagwinder Singh and Hardeep Singh were coming back to their village Khadial on splendour motorcycle bearing registration No. PB-13U-0269 after attending their classes at Asra College. Jagwinder Singh was driving the motorcycle and Hardeep Singh was a pillion rider. At about 4:45/5 P.M, after crossing Phagguwala crossing when they reached near Gurdwara Sahib, Sunam Road, PRTC bus bearing registration No. PB-03AA-8017 being driven by respondent No. 1 in a rash and negligent manner came from the opposite side and struck against the motorcycle of the deceased Jagwinder Singh. Jagwinder Singh and Hardeep Singh both received multiple and grievous injuries. They were taken to hospital. Jagwinder Singh was taken to Rajindra Hospital from where he was referred to Amar Hospital, Patiala. He was further referred to Fortis Hospital, Mohali and then to Sector 32, Chandigarh. Ultimately, he died on 04.09.2015 during his treatment. Hardeep Singh was under treatment in the DMC Hospital. F.I.R No. 73 dated 03.09.2015 under Sections 279/337/338/427 IPC and 304-A IPC (added later on) was registered at P.S. Sadar, Sangrur in this regard.

COMPENSATION ASSESSED BY THE TRIBUNAL

Hardeep Singh

On account of medical expenses Rs.2,92,655/-

On account of Pain and sufferings	Rs.50,000/-
Special Diet	Rs.10,000/-
Attendant	Rs.10,000/-
Future prospects	Rs.25,000/-
Transportation	Rs.10,000/-
Total	Rs.3,97,655/-

Jagwinder Singh

Sr. No.	Heads	Calculations
(i)	Salary	Rs.14000/- per month
(ii)	1/2 of (ii) deducted as personal expenses of the deceased=	Rs.14000-Rs.7000=Rs.7000/- per month
(iii)	Compensation after multiplier of 18 is applied	Rs.7000 X 12 X 18= Rs.15,12,000/-
(iv)	Medical Expenses	Rs.2,06,820/-
(v)	Transportation and funeral expenses	Rs.15,000/-
(vi)	Total Compensation awarded	Rs.17,33,820/-

4. Feeling dissatisfied with the impugned award, appellants have preferred the above mentioned appeals.

5. Learned counsel for the appellant-P.R.T.C is challenging the award on the ground that the learned Tribunal has erred in law while giving the compensation to the claimants and it is on the higher side and on the ground that the appellant cannot be held liable to pay the compensation to the claimant, as the accident was a result of contributory negligence of the deceased and the appellant also produced the registration certificate of the offending bus along with copy of fitness certificate and copy of route permit.

On the other hand, learned counsel for the appellant (FAO No. 2848 and 2858 of 2017) contends that the appellant-Harjinder Singh had

suffered multiple injuries and he had been awarded nothing towards the future treatment, as it has come on record that he is also taking the follow of treatment after discharge of the hospital and still under treatment.

Learned counsel for the appellant-Shinderpal Kaur contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced

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

The appeals filed by the appellant-P.R.T.C are liable to be dismissed, as already the income of the deceased-Jagwinder Singh is taken on the lower side and it requires modification. Further in the case of Hardeep Singh, the compensation also requires to be modified

Reference at this stage can be made to a judgment of Hon'ble the Supreme court of India in a case of *Ashwinbhai Jayanti Lal Modi Vs. Ramkaran Ramchandra Sharma and another 2015 (2) SCC 180* for the death of 19 years old MBBS student, the Supreme Court was making possible a future projection of income at not less than Rs. 25,000 per month. It has been held that Medical Practice is one of the most sought after and rewarding professions and thus increased the future income from Rs.18,000/- to Rs.25,000/-.

In view of the above factual position, no ground is made out to interfere in the impugned award.

The appeals are dismissed.

January 23, 2018

G Arora

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No