

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.9879 of 2014

Date of Decision: 28.05.2018

Paramjit Kaur and others

.....Appellants

Vs.

Parkash Prasher and anr.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vivek Suri, Advocate, for the appellants.

Mr.Navin Kapoor, Advocate, for respondent No.2..

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 05.09.2014, passed by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') vide which compensation to the tune of Rs.8,84,000/- was awarded to the claimants on account of death of Satnam Singh in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 02.02.2014 at about 11 P.M deceased Satnam Singh alongwith Sukhwinder Singh son of baljit Singh, Sajjan Singh son of Avtar Singh, Satnam Singh son of Ram Singh and Kala Ram son of Karam Chand were returning to their village Shehri in an auto rickshaw three wheeler after putting stalls of chat and Tikki in a marriage party. They were going by Banur-Rajpura road i.e. towards Rajpura from Banur Side. When they reached near village Jallalpur and it was about 11 p.m., a car bearing

registration No. HR-36-B-0079 came from opposite side i.e. Rajpura side being driven by its driver Parkash Prasher respondent No.1 in a rash and negligent manner, at a high speed and by going on extreme wrong side it hit three wheeler bearing No.PB-65-E-8806 in which deceased was travelling, due to the impact, all the occupants of the three wheeler received injuries including head injury. Satnam Singh and Kala Singh succumbed to the injuries and died at the spot. A formal FIR No.8 dated 03.02.2014 for the offence under Sections 279/337/304-A/427 IPC was registered with police station Banur on the basis of statement of Kirpal Singh of village Thakat Majra.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 35 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 casual labourer in Punjab	Rs.6,000/- per month
2.	Deduction 1/4th	Rs.6,000/- --- Rs.1500/-= Rs.4500/-
3.	Total loss of dependency after applying multiplier	4500/- X16 X12= Rs.8,64,000/-
4.	Loss of consortium	Rs.10,000/-
5.	Loss of estate	Rs.5,000/-
6.	Funeral expenses	Rs.5,000/-
	Total	Rs.8,84,000/-

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 casual labourer in Punjab	Rs.6,000/- per month
2.	Future prospect 40%	Rs.6,000/- + Rs.2400/-= Rs.8400/-
3.	Deduction 1/4th	Rs.8400/- --- Rs.2100/-= Rs.6300/-
4.	Total loss of dependency after applying multiplier	Rs.6300/- X16 X12= Rs.Rs.12,09,600/-
5.	Conventional heads	Rs.70,000/-
	Total	Rs.12,79,600/-
	Enhanced amount of compensation	Rs.12,79,600/- ---Rs.8,84,000/-= Rs.3,95,600/-

Resultantly, the enhanced amount of compensation of Rs.3,95,600/- 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

28.05.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No