

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1350 of 2017 (O&M)

Date of Decision: 28.05.2018

Tara Singh and others

.....Appellants

Vs.

General manager/Manager of Jhujar Passengers bus service Pvt. Ltd.
And another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:-

Mr.S.K.Manchanda, Advocate, for the appellants.

Mr.Surinder Gandhi, Advocate, for
respondents No.1 and 2.

Mr.Vinod Gupta, Advocate, for
respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

CM No.4299-CII of 2017

For the reasons stated in the application, delay of 34 days in re-filing the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 15.03.2016, passed by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal') vide which compensation to the tune of Rs.10,97,000/- was awarded to the claimants on account of death of Ramandeep Singh in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 12.08.2013, Ramandeep Singh had gone to attend his duty and boarded ill fated Bus of Jujhar Transport, later on with Registration No.PB-29M-8660, the driver of the bus Manjinder singh drover the bus in a rash and negligent manner and when Bus was on G.T.Road to Ferozepur, reached near village Nathuwala, it struck another truck coming from opposite side and one another Tempo (chota Hathi), got involved in the severe accident, resulted in death of so many occupants of the bus along with Ramandeep Singh. A formal FIR No.58 dated 12.08.2013 was registered at P.S.Ajitwal, District Moga.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 25 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 unskilled labourer	Rs.6,000/- per month
2.	Future prospect 50%	Rs.6,000/- + Rs.3,000/- = Rs.9,000/-
3.	Deduction 50%	Rs.9,000/- --- Rs.4500/- = Rs.4500/-
4.	Total loss of dependency after applying multiplier	4500/- X18 X12= Rs.9,72,000/-
5.	Loss of love and affection Rs.50,000/- X 2)	Rs.1,00,000/-
6.	Funeral expenses	Rs.25,000/-
	Total	Rs.10,97,000/-

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. Learned counsel for the claimants that that as per Labour Department, Punjab (Statistical Section) rates of minimum wages for highly skilled worker are Rs.8404/-. Since the deceased was diploma in Analysis technology which he got after attending two year course from Council of Paramedical Punjab, he should have been treated as skilled worker. As such, in the present case, income of the deceased is taken as Rs.8000/- for the assessment of the whole compensation. 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 unskilled labourer	Rs.8,000/- per month
2.	Future prospect 40%	Rs.8,000/- + Rs.3,200/- = Rs.11,200/-
3.	Deduction 50%	Rs.11,200/- --- Rs.5600/- = Rs.5600/-
4.	Total loss of dependency after applying multiplier	5600/- X18 X12= Rs.12,09,600/-
5.	Conventional heads	Rs.30,000/-
	Total	Rs.12,39,600/-
	Enhanced amount of	Rs.12,39,600/- -----

	compensation	Rs.10,97,000/-=Rs.1,42,600/-
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Resultantly, the enhanced amount of compensation of Rs.1,42,600/- 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