

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.7886 of 2016(O&M)
Date of Decision:15.03.2018

Mandeep Kaur and othersPETITIONERS
Vs.

Gurdev Singh and othersRESPONDENTS

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Ashish Aggarwal, Advocate for the appellants.

Mr.A.D.S. Jattana, Advocate for respondent No.2.

Mr.Pardeep Goyal, Advocate for respondent No.3-Insurance
Company.

RITU BAHRI J. (ORAL)

C.M. No.26628-CII-2016

For the reasons mentioned in the application, delay of 225 days in
filing the appeal, is condoned.

FAO No.7886 of 2016

This appeal has been filed by the claimants-appellants seeking
enhancement of compensation awarded by the Motor Accident Claims Tribunal,
Amritsar (hereinafter referred to as “the Tribunal”) vide award dated 19.11.2015,
on account of death of Sarabjit Singh in a motor vehicular accident which took
place on 15.08.2015.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 15.08.2015 at about 10.15 A.M.,
Sarabjit Singh was going on motor cycle bearing No.PB-02-BE-1374 on his duty
at K.P. Embroidery Factory, Amritsar. Respondent No.1 by driving bus No.PB-02-
BD-9617 rashly and negligently and at high speed caused accident with motor
cycle of Sarabjit Singh, resulting in his death. Amarjit Singh got FIR No.292 dated

15.08.2015 under Section 304-A/279 IPC registered at Police Station A-Division, Amritsar.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of offending vehicle by respondent No.1. Claimants deposed that at the time of accident/death, deceased was 32 years of age and he was earning Rs.13,000/- per month. The Tribunal assessed the compensation as under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Amount</i>
1.	Income as per unskilled labourer	Rs.5695/- per month
2.	Annual loss of dependency	Rs.5695 X 12= 68,340/-
3.	50% of (2) above to be added as future prospects	Rs.68,340 / 2 = 34,170/-
4.	Dependency after adding future prospects (3) of above	Rs.68,340/-+ 34,170/- = 1,02,510/-
5.	Deduction 1/4 th towards personal expenses	Rs.1,02,510 / 4 = 25,628/-
6.	Dependency after deducting personal expenses	Rs.1,02,510/- minus 25,628/- = 76,882/-
7.	Compensation after multiplier of 16 is applied	Rs.76,882/- X 16 = 12,30,112/-
8.	Funeral Expenses	Rs.25,000/-
9.	Loss of estate	Rs.10,000/-
10.	Loss of consortium to claimant No.1	Rs.1,00,000/-
11.	Loss of love and affection to claimants No.3 to 5	Rs.3,00,000/- (Rs.1,00,000/- to each)
12.	Total compensation awarded	Rs.16,65,112/-

Learned counsel for the claimants-appellants 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 SLP(C) 25590 of 2014, decided on 31.10.2017.** 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 judgments, the compensation has to be re-assessed as follows:-

Sr.No.	Heads of compensation	Amount
1	Salary per month	Rs.8,000/-
2.	Future prospects @ 40%	Rs.8,000+3200=11,200/-
3.	Deduction 1/4 th	Rs.11200-2,800=8400/-
4.	Total loss of dependency after applying multiplier of 16	8400x12x16=Rs.16,12,800/-
5.	Conventional heads	Rs.70,000/-
	Total	Rs.16,82,800/-
	Enhanced amount of compensation	Rs.16,82,800/- minus Rs.16,65,112/- Rs.17,688/-

Resultantly, the enhanced amount of compensation of Rs.17,688/- 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 Ltd. And ors. 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

15.03.2018
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No