

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

FAO-2143-2017

Date of decision: 09.05.2018

Bala Devi and others**...Appellants****V/s.****Rajbir and others****...Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: None for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No. 3-insurance co.

RITU BAHRI, J. (Oral).

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'the Tribunal') vide award dated 18.03.2014 on account of death of Pala Ram in a motor vehicular accident which took place on 11.01.2013. Appellant No. 1 is the widow of the deceased while appellants No. 2 to 4 are the children of the deceased.

FACTS NOT IN DISPUTE

Brief facts of the case are that Pala Ram died in a road accident which took place on 11.01.2013 when he alongwith his son Sanjay had come to Bus Stand village Kinnar and he was to further go to village Kheri Chopta from there and after leaving Pala Ram his son Sanjay was about to return to his village, an Eicher Canter bearing registration No. HR-69-6945 driven by respondent No. 1 rashly and negligently came and hit Pala Ram which resulted into serious injuries and finally Pala Ram died on

18.01.2013. With regard to the accident, an FIR No. 18 dated 11.01.2013 under Sections 279, 337 and 338 IPC was registered at the Police Station, Narnaund against the driver of offending vehicle.

Consequently, the claimant-appellants filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of rash and negligent driving of Eicher Canter by its driver-respondent No.1 Rajbir and returned finding on issue No.1 in favour of the claimants. This finding was rightly given on the basis of deposition of PW2 Sanjay Kumar, who was eye witness of the accident.

In the absence of any documentary evidence to prove the salary as Rs.30,000/- p.m., the Tribunal had assessed Rs.4,000/- p.m. The deceased was about 50 years old and was married. The Tribunal has assessed the compensation as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Income	Rs.4000/- per month
(ii)	15% future prospects	4000+600=4600
(iii)	1/4 th deduction for personal expenses	4600-1150=3450
(iv)	Applied multiplier of 13	3450 X12 X 13=Rs.5,38,200/-
(v)	Loss of consortium	1,00,000/-
	Transportation and funeral charges	25,000
(vi)	TOTAL COMPENSATION AWARDED	Rs. 6,63,200/-

Hence, the claimants were found entitled to total compensation of Rs.6,63,200/- along with interest @7.5% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

REASSESSED COMPENSATION

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

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. Finding of negligence has rightly been given by the Tribunal and it does not require any interference on that account. In the peculiar facts and circumstances of the case, to meet the ends of justice, the compensation is hereby reassessed in view of the minimum wages in the State of Haryana in the year 2013 as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Income	Rs.5500/- per month
(ii)	10% of (i) above to be added as future prospects	5500+550=6050
(iii)	1/4 th of (ii) above is deducted as personal expenses of the deceased	6050-1512=4538
(iv)	Compensation after multiplier of 13 applied	4538 X 12 X 13=707928/-
(v)	Compensation under conventional heads	70,000/-
(vi)	TOTAL COMPENSATION AWARDED	Rs. 7,77,928/-
(vii)	ENHANCED AMOUNT OF COMPENSATION	Rs.7,77,928-6,63,200= Rs.1,14,728/-

The enhanced amount of compensation of **Rs.1,14,728/-** shall be payable within a period of two months 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 the case of *Shri Nagar Mal and others V/s. The Oriental Insurance Company Ltd. and others in Civil Appeal No. 448 of 2018*. It is made clear that claimants will not be entitled for interest beyond 300 days. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is allowed.

(RITU BAHRI)
JUDGE

May 09, 2018
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No