

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3310 of 2017
Date of Decision:15.03.2018

Renu and others

Vs.

.....Appellants

Bijender and others

.Respondents.

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Arun Yadav, Advocate for the appellants.

Ms.Sheenu Sura, Advocate for respondent
No.3-Shriram Gen. Ins. Co. Ltd.

RITU BAHRI J. (ORAL)

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as “the Tribunal”) vide award dated 16.12.2016, on account of death of Mukesh in a motor vehicular accident which took place on 29.06.2015.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 29.06.2015 at about 06.00 p.m. Mukesh (deceased) was going on his cycle from Rewari to his village Dabri, Tehsil and District Rewari and was being followed by his brother Dhram Singh on a separate Cycle. When deceased was passing under the overbridge of NH No.71 on Patuadi Road, truck bearing R.C. No.HR-55S-4829 being driven by respondent No.1 in rash and negligent manner at a very high speed came and struck against the deceased. As a result of the accident, Mukesh fell down on the road and sustained multiple injuries. Driver of the offending truck fled away from the spot. Mukesh was shifted to GH, Rewari from where he was referred to PGIMS, Rohtak, but he died on next morning during course of treatment at PGIMS, Rohtak. Criminal case

at Police Station, Sadar Rewari. It is further stated that deceased was aged about 38 years at the time of the accident.

COMPENSATION ASSESSED BY THE MACT

The Tribunal held that the deceased was between 41-45 years as per post mortem report. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The Tribunal assessed the compensation as under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Amount</i>
1.	Income of the deceased	Rs.5812/-
2.	Annual loss of dependency	Rs.5812 X 12 =69744/-
3.	Deduction ¼ th	Rs.69744-17436=52,308
4.	Total loss of dependency after applying multiplier of 14	Rs.52,308X14=7,32,312/-
5.	Transportation and last rites	Rs.20,000/-
6.	Total compensation	Rs7,32,312+20,000=7,52,312/-

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.6,000/-
2.	Future prospects @ 40%	Rs.6,000+2400=8,400/-

3.	Deduction 1/4 th	Rs.8400-2,100=6300/-
4.	Total loss of dependency after applying multiplier of 14	6300x14x12=Rs.10,58,400/-
5.	Conventional heads	Rs.70,000/-
6.		Rs.10,58,400/- + 70,000 = Rs. 11,28,400/-
	Total	Rs.11,28,400/-
	Enhanced amount of compensation	Rs.11,28,400/- minus Rs.7,52,312/- Rs.3,76,088/-

Resultantly, the enhanced amount of compensation of Rs.3,76,088/- 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