

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.6976 of 2017

Date of Decision: 01.05.2018

Babu Lal and others

.....Appellants

Vs.

Mahavir and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.S.K.Yadav, Advocate, for the appellants.

Ms.Sukhdarshan Singh, Advocate, for
respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 13.07.2017, passed by the learned Motor Accident Claims Tribunal, Narnaul (for short, 'the Tribunal') vide which compensation to the tune of Rs.12,03,000/- was awarded to the claimants on account of death of Kamla in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 12.05.2015, the deceased Kamla was travelling with one Satender as pillion rider on his motorcycle. At around 12 Noon, when deceased reached near the resident of Rao Abhey Singh MLA, in the meanwhile a truck bearing registration No.HR61B/2159 being driven by respondent No.1 at a high speed, so rashly and negligently in a zig zag manner came from opposite side and hit the motor cycle of deceased at its wrong side, as a result of which deceased sustained injuries on their person and fell on the road. Motor cycle was also damaged upto some extent. Deceased Kamla and Satender were shifted to Civil Hospital, Narnaul where she succumbed to the injuries sustained in the accident. A case bearing Fir No.215/2015 for the offence under Sections 279,337, 304-A IPC was registered against respondent No.1 with the revenue estate of Police Station City Narnaul.

COMPENSATION ASSESSED BY MACT

At the time of accident, appellant was 50 years old. 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 daily wages	Rs.9,000/- per month
2.	Deduction 1/4th	Rs.9,000/- --- Rs.2,250/- =Rs.6750/-
3.	Total loss of dependency after applying the multiplier	Rs.6750/- X 12 X 13=Rs.10,53,000/-
4	Consortium	Rs.1,00,000/-
5.	Last rites	Rs.50,000/-
	Total	Rs.12,03,000/-

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 daily wages	Rs.9,000/- per month
2.	Future prospect 25%	Rs.9000/- + Rs.2250/-= Rs.11250/-
2.	Deduction 1/4th	Rs.11250/- --- Rs.2810/- (rounded off from Rs.2812.5)=Rs.8440/-

3.	Total loss of dependency after applying the multiplier	Rs.8440/- X 12 X 13=Rs.13,16,640/-
4	Conventional heads	Rs.70,000/-
	Total amount	Rs.13,86,640/-
	Enhanced amount of compensation	Rs.13,86,640/- ---Rs.12,03,000/- =Rs.1,83,640/-

Resultantly, the modified amount of compensation of Rs.1,83,640/- 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

01.05.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No