

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

FAO No.7272 of 2017 (O&M)

Date of Decision: 10.05.2018

United India Insurance Company Ltd.

.....Appellant

Vs.

Vimla Devi and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.D.P.Gupta, Advocate, for the appellant.

Mr.Abhinav Gupta, Advocate as legal aid
counsel for respondents No.1 to 3.

Mr.Ashwani Arora, Advocate, for respondents No.1 to 3.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the for appellant/Insurance Company (for short 'the appellant'), against award dated 11.05.2017, passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') vide which compensation to the tune of Rs.21,48,000/-was awarded to the claimants on account of death of Vikas Kumar.

FACTS NOT IN DISPUTE

On 27.06.2016, the deceased-Vikas Kumar was going from International Global Services Plot No.C-126, Industrial Area, Phase-I, Mohali to his house at Balongi, District Mohali while paddling his bicycle at slow speed and on the left side of the road. He was being followed by Sh.Rattan Deep Dinkar on separate bicycle who was also working in the same company. When they reached near CCIRCA T-Point, at that time a car bearing registration No.PB-65-R-3822 came at a fast speed from behind and struck against the bicycle of the Vikas Kumar and Rattan Deep Dinkar. The driver of the car did not blow any horn. As a result of this accident they both received serious injuries and were taken to Civil Hospital, Phase-VI, Mohali and from there Sh.Vikas Kumar was taken to GMCH, Sector-32, Chandigarh where he died on 07.07.2016 due to injuries sustained in this

accident.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 30 years old and the claimants have proved the salary certificates Ex.P14 and Ex.P15 vide which the deceased was drawing salary of Rs.9424/- per month. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr.No.	Heads of compensation	Amount
1	Income monthly	Rs.9424/- per month
2.	Future prospect 50%	Rs.9424/- + Rs.4712/-= Rs.14136/-
3.	Deduction 1/3 rd	Rs.14136/- ---- Rs.4712/-= Rs.9424/-
4.	Annual loss of dependency after applying the multiplier	Rs.9424 X 12 X 17= Rs.19,22,496/-
5.	Consortium	Rs.1,00,000/-
6.	Love and affection (2 persons Rs.50000 each)	Rs.1,00,000/-
7.	Funeral expenses	Rs.25,000/-
	Total	Rs.21,47,496- rounded off Rs.21,48,000/-

Learned counsel for the Insurance Company-appellant contends that the compensation awarded by the Tribunal is on the higher side and deserves to be reduced, 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. In view of the above and 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
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1	Income monthly	Rs.9424/- per month
2.	Future prospect 40%	Rs.9424/- + Rs.3770/-= Rs.13194/-
3.	Deduction 1/3 rd	Rs.13194/- ---- Rs.4398/-= Rs.8796/-
4.	Annual loss of dependency after applying the multiplier	Rs.8796/- X 12 X 17= Rs.17,94,384/-
5.	Conventional heads	Rs.70,000/-
	Total	Rs.18,64,384/-

In view of the above calculation, the findings of the learned Tribunal with regard to quantum is reversed and the claimant is liable to receive Rs.18,64,384/- in view of the larger Bench judgment in the case of **National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017**. 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

10.05.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

