

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.8109 of 2017

Date of Decision: 01.05.2018

United India Insurance Company Ltd.

.....Appellant

Vs.

Gurmail Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:-

Mr.Ram Avtar, Advocate, for the appellant.

Mr.Hardip Singh, Advocate, for
respondents No.1 and 2.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 05.08.2017, passed by the learned Motor Accident Claims Tribunal, SAS Nagar (Mohali) (for short, 'the Tribunal') vide which compensation to the tune of Rs.17,31,500/- was awarded to the claimants on account of death of Baljit Singh in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 25.01.2016, Baljit Singh along with his brother Gurjit Singh, were going from his village Machhali Kalan, on his motorcycle, for doing his private job at Sector 34, Chandigarh. Deceased Baljit Singh and his brother were pillion rider on the motorcycle. Complainant Kuldeep Singh was on his motorcycle bearing No.PB-65-J-0484 and he was going on his duty, from village Machhali Kalan to Mohali and was following the motorcycle of deceased Baljit Singh. At about 8:00 am, near 100 meter from the petrol pump of Village Swara, a Toyota Etios Car bearing registration No.PB23-Q-1244, came from Landran side, at very high speed and in a rash and negligent manner. The driver of the said Car, struck his car with the motorcycle of Baljit Singh while going on the wrong side of the road. As a result of this accident, both Baljit Singh and Gurjit Singh had

sustained injuries. The injured were taken to Shri Guru Harkrishan Sahib Hospital, Sohana, where Baljit Singh was declared brought dead and Gurjit Singh was extended treatment. A case bearing FIR (Ex.PW1/B) has been registered with regard to this accident.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 29-30 years old and the claimants have proved the salary slip of the deceased for the period 1.10.2015 to 25.01.2016 as Ex.PW2/B on the record regarding income of the deceased which shows that deceased was earning Rs.7,000/- per month. 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.7,000/- per month
2.	Future prospect 50%	Rs.7,000/- + Rs.3500/- =Rs.10,500/-
3.	Deduction 1/4 th	Rs.10,500/- -- Rs.2625/-= Rs.7875/- per month.
4.	Compensation after multiplier of 17 is applied	Rs.7875/- X 12 X 17=Rs.16,06,500/-
4	Consortium	Rs.1,00,000/-
5.	Funeral expenses	Rs.25,000/-
	Total	Rs.17,31,500/-

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.7,000/- per month
2.	Future prospect 40%	Rs.7,000/- + Rs.2800/- =Rs.9800/-
3.	Deduction 1/4 th	Rs.9800/- -- Rs.2450/-= Rs.7350/- per month.
4.	Compensation after multiplier of 17 is applied	Rs.7350/- X 12 X 17=Rs.14,99,400/-
5	Conventional heads	Rs.70,000/-
	Total modified amount	Rs.15,69,400/-

Resultantly, the modified amount of compensation of Rs.15,69,400/- 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