

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

F.A.O No. 6420 of 2012

Date of decision:- 18.11.2019

Rajvinder Kaur and ors.

...Appellants

Versus

Balwant Singh & another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Kushagra Mahajan, Advocate
for the appellants.

Ms. Puneet Jain, Advocate for
Mr. M.B. Jain, Advocate
for respondent No. 2

RITU BAHRI J. (Oral)

The claimants have come up in appeal against the award dated 22.08.2012 passed by learned Addl. District Judge cum Motor Accident Claims Tribunal, Amritsar (for brevity, the tribunal') whereby the claimants have been held entitled to compensation to the tune of Rs.04,44,000/- in a claim petition filed under Section 163-A of the Motor Vehicles Act.

The claimants alleged that on 11.12.2010, Jagdev Singh along with Gurvinder Singh were coming towards Amritsar on their separate motorcycle and Bachitar Singh was going on his motorcycle bearing No. PB02-AL-7165 . Bachitar Singh who was going ahead of Jagdev Singh was hit by a truck No. PB02-AU-9791 from backside and he fell down on the road. He died at the spot. F.I.R No. 207 dated 11.12.2010 was registered at P.S. Sultanwind Amritsar.

While assessing the compensation, the learned Tribunal took the income of the deceased at Rs.3000 per month, cut of 1/4th was applied and thereafter, applied the multiplier of 16. Rs.12,000 were awarded

towards loss of consortium and loss of estate. The total compensation awarded to the claimant was Rs.4,44,000/-.

Learned counsel for the appellant submits that the award is liable to be modified as the multiplier of 16 has wrongly been applied and further the income of the deceased should have been taken notionally, as per Second Schedule of the Motor Vehicles Act. The deceased was an agriculturist and was earning Rs.40,000/- per annum.

Heard learned counsel for the parties.

The parties are not in dispute that the accident had taken place. However, the learned Tribunal has erred in law in awarding the compensation by taking the income of Rs.3000/- per month to be that of labourer. The compensation awarded by the tribunal is modified by taking the notional income of the deceased at Rs.40,000/- per annum as under:-

<i>Sr. No .</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Notional Income	Rs.40000/- annually
(ii)	Compensation after multiplier of 17 is applied	Rs.40000 X 17 = Rs.06,80,000/-
(vi)	Conventional heads (loss of estate, funeral charges and loss of consortium	Rs.9500/-
	Total Compensation	Rs.06,89,500/-
	Enhanced amount of compensation	Rs.6,89,500-4,44,000=Rs.2,45,500/- (rounded off to Rs.2,46,000/-)

The enhanced amount of compensation of Rs.02,46,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellants shall also get interest @ 9% per annum in view of judgment of Hon'ble the Apex Court in Civil Appeal No. 4528-2019 titled as *Dara Singh @ Dhara Banjara vs. Shyam Singh*

Varma and ors, decided on 01.05.2019. The remaining conditions of

disbursal of amount and recovery rights shall remain unaltered.

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

18.11.2019

G Arora

(***RITU BAHRI***)
JUDGE