

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

F.A.O No. 2284 of 2016 (O&M)

Date of decision:- 14.08.2019

Rukmani Devi and and anr.

...Appellants

Versus

Sultan Singh & ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- None for the appellants

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimants-appellants, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Sirsa (for short, 'the Tribunal') to the tune of Rs.04,58,300/- vide impugned award dated 06.01.2016 on account of death of Niranjana Kumar aged 24 years on 09.02.2012.

2. The claimants have filed the claim petition under Section 163-A of the Motor Vehicles Act stating therein that on 09.02.2012, Niranjana alongwith cleaner Mukesh and driver Sultan Singh were going to Abohar from village Kuleri after loading cocks in TAT-407 bearing registration No. HR-57-5374 as per directions of respondent No. 2. Around 4:30 A.M midnight of 09/10.02.2012, when they reached 05 km ahead from village Panniwala Mota towards Odhan in the area of village Odhan, respondent No. 1 who was driving the offending vehicle in a rash and negligent manner, turned the vehicle towards left side suddenly due to the flashing of lights of other vehicles coming from the opposite side, struck the vehicle

into a stationery canter, which was parked in the side of the road. Due to

this accident, Niranjana received serious, grievous and multiple injuries on his person, whereas Mukesh and Sultan Singh received minor injuries. Niranjana was taken to General Hospital, Sirsa where he was declared dead. F.I.R No.11 dated 10.02.2012 under Sections 279/337/304-A IPC was registered against respondent No. 1 at P.S.Odhan.

3. As per the Tribunal, the deceased-Niranjana in the present case was 24 years old at the time of the accident. The Tribunal took the income of the deceased at Rs.3300/- per month and 2/3rd was deducted towards personal expenses and thereafter, applied the multiplier of 17, in view of ***Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77.*** Further a sum of Rs.2000/- were awarded on account of funeral expenses, Rs.2500/- on account of loss of estate and Rs.5000/- towards transportation charges, as per Second Schedule of Section 163-A of the Act. The total compensation awarded to the claimants was Rs.04,58,300/-.

4. It is not in dispute between the parties that the accident had taken place, as the accident had been duly proved by the claimants/appellants. The claimants are not to prove the accident, as they have filed the petition under Section 163-A of the Act.

5. After going through the award passed by the Tribunal, the only modification required in the award passed by the Tribunal is that the multiplier of 18 should have been applied instead of 17, in view of ***Sarla Verma's case (supra).***

6. In the present case, the compensation is being reassessed as per the judgments mentioned above:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Income	Rs.3300/- per month
(ii)	1/3 rd of (i) deducted as personal expenses of the deceased=	Rs.3300-Rs.1100=Rs.2200/- per month
(iii)	Compensation after multiplier of 18 is applied	Rs.2200X 12 X 18= Rs.04,75,200/-
(iv)	Conventional heads (Loss of estate, funeral expenses and transportation charges)	Rs.9500/-
(v)	Total Compensation awarded	Rs.4,84,700/-
	Enhanced amount of compensation	484700-458300=Rs.26,400/- (rounded off to Rs.26,000/-)

07. The enhanced amount of compensation of Rs.26,000/- 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% from the date of filing of the claim petition, 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.

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

14.08.2019

G Arora

(RITU BAHRI)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No