

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

FAO No.2595 of 2016 (O&M)

Date of decision: 26.08.2019

Brigdaman Singh @ Pardaman Singh Sandhu and others

....Appellants

Versus

Ravi and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manish Bhardwaj, Advocate,
for Mr. Ashok Bhardwaj, Advocate,
for the appellants.

Mr. Ajay Singla, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

CM No.9381-CII of 2016

In view of the averments mentioned in the application, same is allowed and delay of 199 days in filing of the appeal is condoned.

FAO No.2595 of 2016

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal') vide award dated 16.05.2015, on account of death of Karanvir Singh Sandhu in a motor vehicular accident which took place on 22.01.2014. Appellants are parents and sister of deceased Karanvir Singh Sandhu.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 22.01.2014, Satinder Singh son of Balbir Singh, resident of H.No.103/3, Kheri Gujran Road, Mohindra

Complex, Patiala, who was having his agricultural land at Samana, was coming back to Patiala in a car No. PB-11-AR-0400. At about 7.00 P.M., when he crossed bus-stand of village Bhanra, three cars had stopped there. Satinder Singh stopped his vehicle and found that one Bolero No. PB-13-Z-6820 had met with an accident and the injured was his nephew namely Karanvir Singh (since deceased). He had received multiplier grievous injuries on his person. He was taken to Rajindra Hospital, Patiala, however he succumbed to the injuries in the way. As per version of the claimants, respondent No.1-Ravi had struck his Canter No.DL-1-LR-6619 against the Bolero of Karanvir Singh Sandhu and caused the aforesaid accident, which led to his (Karanvir Singh's) unfortunate death. The accident had taken place due to rash and negligent driving of the offending vehicle by respondent No.1. With regard to the accident, FIR No.21 dated 23.01.2014, under Sections 279/427/304-A IPC was registered against respondent No.1 at Police Station, Passiana on the statement of Satinder Singh. Consequently, the claimant-appellants filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of offending vehicle by respondent No.1, as a result of which Karanvir Singh Sandhu has died and thus, returned finding on issue no.1 in favour of the claimants. This finding was rightly given on the basis of the deposition of Satinder Singh (PW-2), who was eye witness of the accident and on whose statement, FIR Ex.P19 was registered. Further, the claimants have proved on record copy of postmortem report as Ex.P20.

In the absence of any documentary proof, income of the deceased was assessed by the Tribunal as Rs.6000/- per month i.e. Rs.72,000/- per annum. In this income, 50% addition was made on account of future prospects. By doing so, total income came to Rs.1,08,000/- per annum. Since the deceased was bachelor, 50% amount was deducted towards his personal expenses. By doing so, remaining income came to Rs.54,000/- per annum. As per postmortem report, deceased was 22 years of age at the time of accident/death. Multiplier of 18 was applied by the Tribunal. After applying the multiplier of 18, dependency of claimants came to Rs.9,72,000/- (54,000 x 18). In addition to it, Rs.25,000/- were awarded on account of funeral expenses. Hence, appellant-claimants (including proforma respondent No.4 being sister) were found entitled to total compensation of Rs.9,97,000/- along with interest @ 6% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

REASSESSED COMPENSATION

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. Parties are not in dispute with respect to the findings given by the Tribunal on issue No.1 that the accident had taken place on account of rash and negligent driving of the offending vehicle by respondent No.1.

Accident, in the present case, took place on 22.01.2014. As per minimum wages prevalent at that time in the State of Punjab, income of

deceased can be taken as Rs.8000/- per month. Accordingly, the income of the deceased is being assessed as Rs.8000/- per month. Hence, in the peculiar facts and circumstances of the case, to meet the ends of justice, the compensation is hereby reassessed in view of the judgments passed by Hon'ble the Supreme Court in Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77, National Insurance Company Limited Vs. Pranay Sethi and others, Special Leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017) and Magma General Insurance Co. Ltd. vs. Nanu Ram alias Chuhru Ram & Ors., 2018 (4) RCR (Civil) 333, as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Income	Rs.8000/- per month
(ii)	40% of (i) above to be added as future prospects	8000 + 3200 = Rs.11,200/-
(iii)	50% of (ii) above is deducted as personal expenses of the deceased	11,200 – 5600 = Rs.5600/-
(iv)	Compensation after multiplier of 18 is applied	Rs.5600/- x 12 x 18 = Rs.12,09,600/-
(v)	Compensation on account of loss of estate	Rs.15,000/-
(vi)	Loss of filial consortium to the parents (claimant-appellant Nos.1 and 2)	Rs.80,000/- (Rs.40,000/- each)
(vii)	Loss of consortium to the sisters (claimant-appellant No.3 and proforma respondent No.4)	Rs.80,000/- (Rs.40,000/- each)
(viii)	Funeral expenses	Rs.15,000/-
(ix)	TOTAL COMPENSATION AWARDED	Rs.13,99,600/-
(x)	Enhanced amount of compensation	Rs.13,99,600 – 9,97,000 = Rs.4,02,600/-

The enhanced amount of compensation of **Rs.4,02,600/-** shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest

keeping in view the judgment passed by Hon'ble the Supreme Court in **Dara Singh @ Dhara Banjara vs. Shyam Singh Verma & others**, Civil Appeal No.4528 of 2019 (arising out of SLP (C) No.5720 of 2019), decided on 01.05.2019. Remaining conditions of disbursal of amount shall remain unaltered.

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

(RITU BAHRI)
JUDGE

26.08.2019
ajp

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No