

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

**FAO-5326-2014
Date of decision: 11.07.2019**

Ranjana Devi and others**...Appellants**

V/s.

Major Singh and others**...Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. S.K. Biriwal, Advocate for the appellants.

Mr. R.N. Singal, Advocate for
respondent No. 3-insurance co.

RITU BAHRI, J. (Oral).

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accidents Claim Tribunal, Ludhiana (hereinafter referred to as 'the Tribunal') vide award dated 24.04.2014 on account of death of Pritam Kumar in a motor vehicular accident which took place on 24.11.2012. Appellant No. 1 is the mother of the deceased and appellant No. 2 is the father of the deceased. Appellant No. 3 is the sister of the deceased and has withdrawn claim petition before MACT.

FACTS NOT IN DISPUTE

Brief facts of the case are that Pritam Kumar had died in a road accident which took place on 24.11.2012. He was going from his house at Jugiana to Lohara Colony, Village Lohara on his bicycle to attend his school. At about 7:35 A.M. when he reached at Metro Road T. Point

Kanganwal, a truck bearing registration No. PB-23-H-3757 came from the opposite side at a very high speed crushed Pritam Kumar, as a result of which he died at the spot. With regard to the alleged accident, an FIR No. 170 dated 24.11.2012 under Sections 279, 427 and 304-A of the IPC, at Police Station Sahnewal, Ludhiana was registered against respondent No. 1. 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 been caused on account of rash and negligent driving of offending vehicle i.e. truck by its driver-respondent No.1 Major Singh and returned finding on issue No.1 in favour of the claimants. This finding was rightly given on the basis of deposition of Raj Kishore, who was eye witness of the accident.

The deceased was 16 years of age and student of 10+2 class. The Tribunal had assessed his notional income as Rs.48,000/- per annum. One half of the income was deducted towards his personal expenses, which came to be Rs.24,000 p.a. ($48,000/2=24,000$). The Tribunal had applied the multiplier of 15, dependency of claimants came to be Rs.3,60,000/- ($24,000 \times 15$), Rs.20,000 for love and affection and Rs.25,000 for funeral expenses. Hence, the claimants were found entitled to total compensation of Rs.4,05,000/- along with interest @ 9% 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. Finding of negligence has rightly been given by the Tribunal and it does not require any interference on that account. 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 *Magma General Insurance Company Ltd. V/s. Nanu Ram Alias Chuhru Ram and others*, Civil Appeal No. 9581 of 2018 and *National Insurance Company Limited Vs. Pranay Sethi and others*, Special Leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017) as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Income	Rounded upto Rs.50,000/- per annum
(ii)	40% of (i) above to be added as future prospects	50000+20000=70,000
(iii)	1/2 of (ii) above is deducted as personal expenses of the deceased	70000-35000=35,000
(iv)	Compensation after multiplier of 15 applied	35000X15=5,25,000/-
(v)	Funeral expenses	Rs.15,000/-
(vi)	Loss of estate	Rs.15,000/-
(vii)	Loss of Filial Consortium	Rs.80,000/- (Rs.40,000/- each to appellants No. 1 and 2)
(viii)	TOTAL COMPENSATION AWARDED	Rs. 6,35,000/-
(ix)	ENHANCED AMOUNT OF COMPENSATION	Rs.6,35,000-4,05,000 = Rs.2,30,000/-

The enhanced amount of compensation of **Rs.2,30,000/-** 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 @ 9% 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

the case of *Dara Singh @ Dhara Banjara V/s. Shyam Singh Varma and others*, Civil Appeal No. 4528 of 2019. Remaining conditions of disbursal of amount shall remain unaltered.

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

(RITU BAHRI)
JUDGE

11.07.2019
Divyanshi

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