

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 9498 of 2014 (O&M)

Date of decision : 24.5.2019

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Sukhjeet Kaur

.....Appellant

vs.

Parminder Singh @ Sonu and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vikram Singh, Advocate for the appellant.

Mr. Abhinav Singla, Advocate for respondent No.3.

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H. S. Madaan, J.

On account of death of Binderpal Singh @ Varinderpal Singh, in a motor vehicular accident, which took place on 3.8.2007, at about 6.30 a.m., statedly on account of rash and negligent driving of mini bus bearing registration No. PB-10-BP-7313, by Parminder Singh @ Sonu – respondent No.1, legal representatives of deceased namely, Sukhjeet Kaur, aged about 48 years, mother, Navneet Kaur aged about 19 years, sister and Hardev Singh, aged about 52 years, father of the deceased, have brought the claim petition, against respondents i.e. Parminder Singh @ Sonu – driver, Ajit Singh – owner and ICICI Lombard Motor Insurance, Ludhiana, - insurer of mini bus bearing registration No. PB-10-BP-7313 (hereinafter

referred to as 'the offending bus'), claiming compensation of Rs.20 lacs.

Notice of claim petition was given to the respondents, who put in appearance through counsel and contested the claim petition, which was ultimately accepted by the Motor Accidents Claims Tribunal, Ludhiana, vide award dated 1.10.2013 and compensation of Rs.6,65,000/- with interest and costs, was awarded to the claimants payable by the respondents. Though Insurance company was directed to make the payment but recovery right was granted to it to recover the amount from owner and driver of the offending bus, for the reason that the bus was not having valid route permit at the relevant time.

The claimants were not satisfied with the quantum of compensation awarded to them by the Tribunal and they have filed an appeal before this Court seeking enhancement of compensation.

Notice of the appeal was given to the respondents. Only respondent No.3 has put in appearance to offer a contest.

I have heard learned counsel for the parties, besides going through the record.

The accident in this case took place on 3.8.2007 i.e. about 12 years back. As per case of the claimants, deceased was working as Conductor in the ill fated bus itself and the Tribunal has assessed his monthly income to be Rs.5,000/-. However no addition towards future prospects was made. Since deceased was aged about 20 years, at the time of his death, in terms of authority *National Insurance*

Company Limited vs. Pranay Sethi and others. 2017 (4) RCR

(Civil) 1009, addition of 40% is required to be made. Doing that his total monthly income comes to Rs. 7,000/- (Rs.5,000 + 2,000).

Since the deceased was a bachelor, deduction of 50% amount is to be made towards personal expenses of the deceased. Therefore, in that way the monthly dependency of the claimants comes out to Rs. 3,500/- (Rs.7,000 – 3,500). The annual dependency of the claimants is worked out to Rs. 42,000/- (Rs.3,500 X 12).

Keeping in view the age of the deceased and in terms of the ratio of authority Smt. Sarla Verma vs. Delhi Transport Corporation 2009 (3) RCR (Civil) 77, multiplier of 18 is to be applied. By doing that, the payable compensation comes out to Rs.7,56,000/- (Rs. 42,000 X 18).

The Tribunal has awarded a sum of Rs.1,25,000/- to the claimants under the Conventional Head. But in terms of ratio of authority Pranay Sethi's case (Supra), the appellants – claimants are entitled to get Rs.15,000/- towards loss of estate and Rs.15,000/- on funeral expenses, totalling Rs.30,000/- under the Conventional Heads. Thus the total compensation payable to the claimants comes to Rs.7,86,000/- (Rs. 7,56,000/- + 30,000).

In that way, the claimants are entitled to get additional compensation of Rs.1,21,000/- (Rs.7,86,000 – 6,65,000). The claimant-appellants shall be entitled to get interest @ 7.5% per annum on the additional compensation from the date of filing of appeal till actual realization. The apportionment and other terms and conditions shall remain the same as in the original award.

The appeal is allowed partly.

24.5.2019
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(H.S. Madaan)
Judge

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