

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1867 of 2017 (O&M)
Date of decision: 20.09.2019

Jarnail Singh and others

...Appellants

V/s.

Gagandeep Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: None for the appellants.

Mr. Vipul Aggarwal, Advocate for
Mr. Paul S.Saini, Advocate
for respondent No. 3-insurance co.

RITU BAHRI, J. (Oral).

The claimants have come up in appeal against the award of the tribunal dated 30.11.2016 whereby they have been awarded compensation of Rs.9,97,000/- on account of death of Amandeep Singh, who died in a road accident which took place on 15.01.2016.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 15.01.2016, deceased Amandeep Singh was going from village Bhana to Dasuya on motorcycle No. PB-21C-4442 Bajaj Discover and Arvinder Singh his cousin was pillion rider. Mandeep Singh and Gurjeet Singh were following them on their own separate motorcycle. At about 09:30 am when they reached the area of village Bodar near bridge Gangia-Bajwa village on SH 24 (Gardiwala to Dasuya road), a Pajero Car bearing No. PB-07AR-7278 (hereinafter referred to as the 'offending vehicle') came from village Randhawa side at a

very high speed in a rash and negligent manner and struck the motorcycle from behind of the deceased. The impact was so powerful that the motorcycle of the deceased was dragged for about 250 meter with the Pajero car towards the trees on the left hand side of the road. As a result both the riders of the motorcycle suffered multiple grievous injures. Mandeep Singh and Gurjit Singh took both of them to Civil Hospital, Dasuya, where both were declared dead. Consequently, the claimants-appellants filed a claim petition before the tribunal.

COMPENSATION ASSESSED BY THE MACT

The parties are not in dispute with respect to finding on issue No. 1 that the accident took place on account of negligent driving by the driver of the offending vehicle. This finding has been rightly given in favour of the claimants keeping in view FIR No. 4 dated 15.01.2016 under Sections 279, 304-A and 427 (Ex.C1) was registered at Police Station Dasuya against respondent No. 1 and the testimony of Mandeep Singh, the eye witness who appeared and examined as PW2.

The deceased was 25 years of age. The tribunal had assessed monthly income of the deceased as Rs.6,000/- p.m. and assessed the following compensation:-

Sr. No.	HEADS	CALCULATIONS
(i)	Income	6,000/-p.m.
(ii)	50% of (i) above to be added as future prospects	6,000+3,000=Rs.9,000/-
(iii)	½ of (ii) deducted as personal expenses of the deceased	9,000-4,500=Rs.4,500/-
(iv)	Compensation after multiplier of 18 is applied	4,500X12X18=R.9,72,000/-
(v)	Funeral expenses	Rs.25,000/-
	TOTAL COMPENSATION AWARDED	Rs.9,97,000/-

Hence, the claimants were found entitled to total compensation of Rs.9,97,000/- along with interest @ 7.5% per annum from the date of

filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimants-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.

The deceased was 25 years of age and the tribunal had assessed his monthly income as Rs.6,000/- p.m. which is on lower side keeping in view the minimum wages prevalent in State of Punjab in the year 2016, which were Rs.7,000/-.

Hence, to meet the ends of justice, the compensation is hereby reassessed keeping in view 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)	Annual Income	7,000X12=Rs.84,000/-
(ii)	40% increase as future prospects	84,000+33,600=Rs.1,17,600/-
(iii)	½ deduction for personal expenses	1,17,600-58,800=Rs.58,800/-
(iv)	Total loss of dependency after applying multiplier of 18	58,800X18=Rs.10,58,400/-
(v)	Funeral expenses	Rs.15,000/-
(vi)	Loss of estate	Rs.15,000/-
(vii)	Loss of filial consortium	Rs.1,20,000/- (Rs.40,000/- each to all the appellants)
	TOTAL COMPENSATION AWARDED	Rs.12,08,400/-
	ENHANCED AMOUNT OF COMPENSATION	12,08,400-9,97,000=Rs.2,11,400/-

The enhanced amount of compensation of **Rs.2,11,400/-** 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.

Pending application stands allowed.

(RITU BAHRI)
JUDGE

20.09.2019

Divyanshi

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