

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

**FAO-6865-2017
Date of decision: 22.07.2019**

Varinder Singh and others**...Appellants**

V/s.

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

Present: Mr. Ramneek Vasudeva, Advocate for the appellants.

Ms. Sonia, Advocate for
Mr. Ritu Raj Singh, Advocate for respondent No. 1.

Mr. Surinder Garg, Advocate for respondent No. 2.

Mr. R.K. Bashamboo, 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, Rupnagar (hereinafter referred to as 'the Tribunal') vide award dated 21.04.2017 on account of death of Jashanpreet Singh in a motor vehicular accident which took place on 07.01.2016. Appellants No. 1 and 2 are the parents of the deceased. Appellant No. 3 is the sister of the deceased.

FACTS NOT IN DISPUTE

Brief facts of the case are that Jashanpreet Singh had died in a road accident which took place on 07.01.2016. He was returning to his house after jogging. At about 7:30 p.m. when he reached near Max City Hospital, Rupnagar, a Verna car bearing registration no. CH-01-AB-4546

driven by respondent No. 1 struck it against the bicycle rode by him, due to which he fell down on the road and succumbed to his injuries. With regard to the alleged accident, an FIR No. 5 dated 07.01.2016 under Sections 279, 337, 304-A, 427 IPC and 177 M.V. Act, 1954, at Police Station City Rupnagar 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. Verna car by its driver-respondent No.1 Karnail Singh and returned finding on issue No.1 in favour of the claimants. This finding was rightly given on the basis of deposition of Hardeep Singh (PW-2) who was eye witness of the accident, charge-sheet (Ex.C1) and postmortem report (Ex.PW2/B).

The deceased was 19 years of age and student of 10+2 class. The Tribunal had assessed his notional income as Rs.30,000/- per year. One half of the income was deducted towards his personal expenses, which came to be Rs.15,000 p.a. ($30,000/2=15,000$). The Tribunal had applied the multiplier of 18, dependency of claimants came to be Rs.2,70,000/- ($15,000 \times 18$), Rs.1,00,000/- for love and affection and Rs.25,000 for funeral expenses. Hence, the claimants were found entitled to total compensation of Rs.3,95,000/- 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. 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 keeping in view that the deceased was 19 years of age and he was studying in 12th class. He was also doing dairy farming. Hence, his income has to be taken as Rs.8,000/- as semi skilled labourer in view of the minimum wages prevalent in Punjab in 2016 and 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	Rs.8,000 p.m.X12=96,000
(ii)	40% of (i) above to be added as future prospects	96,000+38,400=1,34,400
(iii)	1/2 of (ii) above is deducted as personal expenses of the deceased	1,34,400-67,200=67,200
(iv)	Compensation after multiplier of 18 applied	67,200X18=12,09,600
(v)	Funeral expenses	Rs.15,000/-
(vi)	Loss of Filial Consortium	Rs.1,20,000/- (Rs.40,000/- each to appellant Nos.1, 2 and 3
(vii)	TOTAL COMPENSATION AWARDED	Rs. 13,44,600/-
(viii)	ENHANCED AMOUNT OF COMPENSATION	Rs.13,44,600-3,95,000 = Rs.9,49,600/-

The enhanced amount of compensation of **Rs.9,49,600/-** 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 @ 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

22.07.2019
Divyanshi

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