

208 (3rd case)

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

FAO-6518-2018 (O&M)
Date of decision: 01.12.2021

Lachman Dass and others ...Appellants

V/s

Harjit Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jaideep Verma, Advocate,
for the appellants.

Mr. Vinod Gupta, Advocate,
for respondent No.3-Insurance Company.

ARUN MONGA, J. (ORAL)

CM-22769-CII-2018

This is an application for condonation of delay in filing the appeal.

For the reasons stated in the application, the same is allowed and delay of 26 days stands condoned.

Main case

Appellants before this Court are the claimants seeking enhancement of compensation granted to them vide award dated 13.04.2018 which is under challenge to the limited extent of seeking modification claiming that the MACT has wrongly given the increase of income towards future prospects only @ 40%, which should have been much higher.

Succinct facts as noted by the Tribunal are as below:-

On 15.04.2016, Pardeep Kumar along with his friend Sandeep Singh was going to Morinda from Kharar in a car No.PB-12-Y-1234 make i-20. Sandeep Singh was driving the said car at a very slow speed and Pardeep Kumar was sitting on front seat. At about 10:00 p.m. when they reached in the area of village Ramgarh Manda near Class Factory and Railway Bridge, Morinda, a truck bearing registration No.PB-12-M-9448 came from back side. Respondent No.2 was driving it at a very high speed and also in a rash and negligent manner and while overtaking the car of Sandeep Singh and Pardeep Kumar, he hit the truck by the side of the car, due to which the car fell into the ditches and also came in contact with trees. Both the occupants of the car received multiple injuries. They died on the spot. Post-mortem examination of deceased Pardeep Kumar was conducted at Civil Hospital, Rupnagar.

2. It has been contended by the learned counsel for the appellants that deceased was 27 years of age at the time of his death and was working as Constable in Punjab Police. At the time of his death, he was drawing salary of Rs.42,000/- per month. He was the sole bread winner of the family and all the claimants were dependent upon his income. Claimants have suffered huge loss on account of his untimely death. The claimants have claimed compensation to the tune of Rs.85,00,000/- along with interest @ 7.5% per annum from the date of filing of claim petition till realization.

3. Having addressed the rival contentions for some time, both the learned counsels at a later stage jointly suggest that since the victim was a Government employee, the award under challenge be modified to the extent of increasing the income for future prospects by 10% raising it to 50% as against 40% already awarded by the MACT, Rupnagar.

4. In view of the aforesaid and on the suggestion of learned counsels, the impugned award is modified to that extent and it is clarified that compensation payable to the claimants is computed as under:

Deceased	Pardeep Kumar
Date of accident/death	15.04.2016
Age	27 years

Marital Status	Unmarried
Claimants	Old parents, unmarried Younger brother and sister
Income of the deceased	Rs.40,128/- per month
Future prospects	50% Rs. 20,064/-
Deduction in dependency	$\frac{1}{2}$ (40,128 + 20,064 = 60,192 / 2 = Rs.30,096/-
Annual dependency	Rs.3,61,152/- (30,096X12)
Multiplier	17
Conventional Heads	30,000/-
Interest	6% P.A.
Total	Rs.61,69,584/- along with 6% interest (3,61,152X17+30,000)
Compensation awarded by the Tribunal	Rs.53,45,900/-
Enhanced amount of compensation to be paid 61,69,584-53,45,900=8,23,684/-	Rs.8,23,684/-

5. An amount of Rs.53,45,900/- has since already been deposited with the MACT, Rupnagar, the same shall be disbursed to the claimants forthwith and the balance amount to the tune of Rs.8,23,684/- along with 6% interest from the date of filing the claim petition till actual realization be also paid within a period of two months from today.

6. Accordingly, the impugned award of the learned Tribunal is modified in terms of the above computations. Revised compensation shall be payable to the claimants and be disbursed to the claimants in terms of the apportionment as already determined by the Tribunal.

7. Disposed of in above terms.

01.12.2021

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No