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

FAO-6177-2011

Date of Decision: 19.09.2022

MUKESH DEVI AND ORS

..... Appellants

Versus

SUBHASH AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : None for the appellant.

Mr. Gopal Mittal, Advocate
for respondent No.3.

JAGMOHAN BANSAL, J. (Oral)

1. The appellants through instant appeal is seeking enhancement of compensation awarded by learned Motor Accident Claims Tribunal (for short 'Tribunal'), Narnaul, whereby learned Tribunal has awarded compensation of Rs.5,14,000/- alongwith interest @ 9% on account of death of Naresh Kumar.

2. The facts are emerging from record are that Naresh Kumar (deceased), a 42 years old man while standing at katcha berm of the road of his village Sihma, met with an accident with the vehicle bearing registration No.RJ-02G/8066. The deceased-Naresh Kumar expired on the spot and an FIR No.50 dated 24.02.2008 was registered at Police Station Sadar, Narnaul.

3. The appellants filed petition under Section 166 of the Motor

Vehicle Act, 1988, before learned Tribunal, Narnaul, seeking compensation on account of death of Naresh Kumar. Learned Tribunal finding driver of the offending vehicle guilty and concluded that appellants are entitled to compensation on account of death of Naresh Kumar. Learned Tribunal awarded compensation @ Rs.5,14,000/- alongwith interest @ 9% from date of petition till realization.

4. In spite of notice and adjournments nobody is present on behalf of the appellants. The appeal is of the year 2011, thus, Court is left with no option except to proceed ex parte. The appellants are seeking enhancement of compensation and during pendency of present appeal a lot of water has already been thrown. The question of quantum of compensation in such cases stands cited by a five Judge Bench of Hon'ble Supreme Court in **National Insurance Company vs. Pranay Sethi and others 2017 (16) SCC 680** and three Judge Bench Judgment in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (6) SCC 121**.

5. Learned counsel for the respondents fairly conceded that amount of compensation may be redetermined in the light of afore-cited judgments.

6. I have perused the record and heard arguments of learned counsel for the respondents. I find that learned Tribunal has awarded compensation keeping in mind law prevailing at that time, however, Hon'ble Supreme Court has awarded compensation under different heads and held that amount may be redetermined accordingly. Keeping in mind, the aforesaid judgments of Hon'ble Supreme Court, I deem it appropriate to redetermine amount of compensation. The amount of compensation is redetermined as below.

Particulars	Amount of compensation
Annual income of the deceased	48,000/-
Future prospects	25.00%
Income after addition of future prospects	60,000/-
Deduction on account of personal expenses	1/4 th
Assessed income	45,000/-
Multiplier (14)	6,30,000/-
Loss of estate	16,500/-
Loss of consortium (44000x4)	1,76,000/-
Funeral expenses	16,500/-
Total	8,39,000/-

7. The appellants are entitled to interest @ 7.5% from the date of filing of claim petition till the date of actual payment. It is made clear that amount already paid would be deducted from claim determined hereinabove.
8. The respondents are directed to make payment within a period of eight weeks from today.
9. The appeal is disposed of in the abovesaid terms.

(JAGMOHAN BANSAL)
JUDGE

19.09.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>