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

**FAO 9884 of 2014 (O&M)**
**Date of Decision: April 19, 2022**

Kamla Devi and others ...Appellants

Versus

Karamdeep and others ... Respondents

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Inderjit Sharma, Advocate
for the appellants.

Mr. Ranjit Singh Sidhu, Advocate
for respondent No.1.

Mr. D.P. Gupta, Advocate
for respondent No.3.

**FATEH DEEP SINGH, J. (Oral)**

Aggrieved over the Award dated 12.09.2014 of the Court of learned Motor Accident Claims Tribunal, Patiala the dissatisfied claimants have come up in this appeal seeking enhancement of the compensation so awarded.

Heard Mr. Inderjit Sharma, Advocate for the appellants, Mr. Ranjit Singh Sidhu, Advocate for respondent No.1 and Mr. D.P. Gupta, Advocate for respondent No.3.

It is duly established case that one Ranjodh Singh was going on his motorcycle bearing registration No. PB-11AL-1355 (in short, **'the ill fated motorcycle'**) and in the area of village Rakhra, Police Station Passiana a tractor trolley (in short, **'the offending tractor trolley'**) bearing registration No. UP-12C-2147 came from the opposite side and hit the motorcycle resulting into the death of deceased. FIR No. 13 dated 02.02.2013 under Sections 304-A, 279 and 427 IPC was registered at Police Station Passiana pertaining to this accident. The claimants are widow, minor son, daughter and widowed mother and being dependents have sought compensation from the driver, owner and insurer of the offending tractor trolley. The claimants claimed that deceased was aged 41 years and was working with Glaxo Smith Kline Consumer Healthcare Factory at Nabha and getting Rs.40,000/- per month as salary, upon which, they were fully dependents and upon his death has sought compensation in question.

The respondent No.1 driver denied the accident so caused and so respondent No. 2 that the offending tractor trolley was never involved in the accident and similar is the stand of the insurer, the United India Insurance Company ltd.

The Tribunal framed the following issues:-

1. Whether Ranjodh Singh died in a motor vehicular accident which took place on account of rash and negligent driving of tractor No. UP-12C-2147 by respondent No.1?OPA.
2. Whether the claimants are entitled to compensation, if so, to what extent and from whom? OPA.
3. Whether respondent No.1 was not having a legal and valid driving licence at the time of alleged accident, if so its effect? OPR.
4. Whether respondent No.2 has committed breach of any other condition of the insurance policy? OPR.
5. Relief".

On behalf of the claimants eye witness Manjit Singh testified who stated the manner of the accident attributing cause to be rash and negligent driving to the driver of the offending tractor trolley and has proved copy of FIR Ex. C1, copy of challan Ex.C3, his own statement recorded by the police Ex.C4 and charges framed against the driver Ex.C5. No witness from the side of the respondents have testified and even the driver, owner too did not appear and thus on the basis of this occurrence and documentary evidence proving post report Ex.C2, the Tribunal has rightly arrived at a conclusion that the death of the deceased Ranjodh Singh was as a consequence of rash and negligent driving of the offending tractor trolley.

The main contesting question that has come up by arguing counsel for the two sides in their submissions is as to the quantum of compensation. CW2 Gobinder Verma, employee of Glaxo Smith Kline Consumer Healthcare Nabha through salary certificate Ex.P1 shows that the petitioner is an employee of the said Company since 2001 and was getting a sum of Rs.25014.16 paise and the same is rounded off to Rs.25000/- besides getting annual bonus of Rs. 8400/- and LTA of Rs. 17880/- and therefore this Court is assessing the total annual income of Rs. 3,26,280/-. The birth certificate shows his date of birth 15.06.1971 and by that at the time of accident he was aged about 42 years. In view of his age, it will be proper to allow the increase towards future prospects by 30% and the same comes to Rs.97,884/- and therefore the income of the deceased for the purpose of assessing the compensation comes to Rs.4,24,164/.

Further, considering that the deceased would be spending 1/4th of his earnings towards the living and personal expenses of the deceased and dependency of the claimants of whom two are minor children of school going age, the annual income comes to Rs.3,18,123/-

Keeping in view the age of the deceased multiplier of 14 is most appropriate and the Tribunal had rightly applied the multiplier of 14 and therefore the amount of compensation comes to Rs.44,53,722/- (3,18,123x14). Besides this, the claimants are entitled to compensation on account of loss of love and affection and funeral expenses etc which is assessed to Rs.1,50,000/-. Thus, the total award amount comes to

Rs. 44,53,722 + 1,50,000 = 46,03,722/-).

The Tribunal has already awarded an amount of Rs.41,36,250/-, therefore, after deducting the same, the enhanced amount of compensation would come out to be Rs. 4,67,472/-( 46,03,722-41,3,6250). Interim compensation paid if any shall be adjusted.

Claimants No. 1 to 3 shall be entitled to 30% each of the amount of compensation and claimant No. 4 shall be entitled to 10% of the amount compensation keeping in view their age and requirements in life.

The claimants are also entitled to get interest @ 9% per annum on the said amount from the date of the award till the realization of the said amount. All the respondents are jointly and severally held liable to pay the amount of compensation.

With the aforesaid modification, the present appeal stands disposed off.

**April 19, 2022** **(FATEH DEEP SINGH)**
amit rana **JUDGE**

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