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

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Decided on : 14.12.2023

Bimla Devi @ Guddi and another

. . . Appellant(s)

Versus

Roshan and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vaibhav Parashar, Advocate
for the appellant(s).

Service *qua* respondents No.1 to 3 dispensed with
(vide order dated 01.06.2016).

Mr. Preet Harinder Singh Pannu, Advocate
for respondent No.4 – Insurance Co.

SANJAY VASHISTH, J. (Oral)

1. This present appeal has been filed by the Appellants/Petitioners/Claimants (herein after referred to as “claimants”) against the award passed by the Ld. Motor Accident Claims Tribunal, Karnal (herein after referred to as “The Tribunal”) in MACT Case No. 193 of 2011 by way of seeking enhancement of amount of compensation, on account of death of ‘Vatan’ in a motor vehicular accident.

2. Claimants in the MACT Case No. 193 of 2011 were Smt. Bimla Devi (Mother of the deceased) and Prem Chand (Father of the deceased). In the present appeal, the claimants are party before this Court in the same order.

3. Briefly stated facts of the case are that on 04.11.2011, at about 09:00 am, Vatan was returning to his home on his motorcycle bearing No. HR-5AC-0705 make Pulsar. When he reached near the bridge of brick kiln,

then Tractor bearing No. HR-05-AD-0564 being driven by Respondent No. 1 came from the side of Village Sheikhpura Khalsa in a rash and negligent manner and struck to the motorcycle of the deceased. Respondent No. 1 ran away from the spot. The deceased was taken to the General Hospital, Karnal where he was declared brought dead.

For the said accident, FIR No.446 dated 04.11.2011 was registered under Section 279 and 304-A IPC at Police Station, Gharaunda against Respondent No. 1.

4. Claimants filed a claim petition under Section 166/140 of the Motor Vehicle Act, 1988 for seeking compensation on account of death of ‘Vatan’.

5. After going through the record, appreciating the evidence, examining the witnesses, and hearing the arguments of both the sides, Ld. Tribunal made the assessment as follows:

Parameter(s)	Deceased - Vatan
Age	22 years
Monthly Income	Rs. 4,800/-
Deduction on account of personal expenses	Half (1/2)
Multiplier	15
Loss of love and affection	Rs. 1,00,000/-
Transportation and last rites	Rs. 10,000

Accordingly, Learned Tribunal awarded an amount of compensation to the claimants to the tune of Rs. 7,58,000/- payable by respondents severally and jointly with interest @7.5% per annum from the date of filing of the petition till its actual realization.

6. Appellants/petitioners/claimants have filed the present appeal, seeking enhancement of the compensation as awarded by the Ld. Tribunal.

7. While addressing arguments, Counsel representing the

Claimants asserts that there was a substantial error on the part of the Learned Tribunal in its assessment of the deceased's income. Learned counsel for the appellants submits that the Ld. Tribunal has assessed the income of the deceased on the lower side; has wrongly applied the multiplier; has granted Funeral expenses to the lower side; has granted compensation on account of loss of consortium on lower side; and has not granted any compensation on account of loss of estate as against the settled proposition of law as rendered by Hon'ble the Supreme Court. Consequently, prays for an augmentation of the compensation amount originally granted by the Learned Tribunal.

8. Alternatively, Counsel for Respondent asserts that the Learned Tribunal accurately assessed the deceased's net salary and appropriately computed the compensation amount for the claimant. Consequently, there is no justification for intervening in the well-reasoned and precise award issued by the Learned Tribunal.

9. This Court has already rendered a detailed judgment titled as **Sangtari Muleem v. KarnailSingh, (FAONo.2538of2006D/d.07.07.2023) : Law Finder Doc Id # 2270482**, in consonance with the settled proposition of law laid down by the Apex Court in **National Insurance Company Limited v. Pranay Sethi and Ors., 2017(4) RCR (Civil) 1009 : Law Finder Doc Id #918174**, and **Smt. Sarla Verma and others v. Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77 : Law Finder Doc Id #188882**, and **Smt. Anjali and others v.Lokendra Rathod and others, 2023 (1) R.C.R. (Civil) 22 : Law Finder Doc Id # 2081014**. Therefore, in the case in hand, same parameters as laid down by the Hon'bleApex Court are applied for the purpose of calculation of compensation. For the sake of convenience, a comparative table of the compensation asassessed and

calculated by Ld. Tribunal and this Court is produced below in a tabular form:

Sr. No.	Head	Compensation awarded by Ld. Tribunal	Compensation Awarded by High Court
1.	Income	Rs. 4,800/- p.m	Rs. 4,800/- p.m
2.	Future Prospects	Rs. 2,400/- (50% of monthly income)	Rs. 1,920/- (40% of monthly income)
3.	Deduction towards personal expenses	Rs. 3,600/- [half of (Rs. 4800/- + Rs. 2,400/-)]	Rs. 3,360/- [half of (Rs. 4800/- + Rs. 1,920/-)]
4.	Total Annual Income	Rs.43,200/- (Rs.3,600/-x12)	Rs. 40,320/- (Rs.3,360/- x 12)
5.	Multiplier	15	18
6.	Loss of Dependency	Rs. 6,48,000/- (i.e. Rs.43,200/- x 17)	Rs. 7,25,760/- (i.e. Rs.40,320 x 18)
7.	Funeral Expenses	Rs. 10,000/-	Rs. 25,000/-
8.	Loss of Estate	Rs. NIL	Rs. 20,000/-
9.	Loss of Filial Consortium (Mother and father of the deceased)	NIL	Rs. 96,000/- (Rs. 48,000/- x 2)
10.	Loss of love and affection	Rs. 1,00,000/-	NIL
11.	Total Compensation to be Paid	Rs. 7,58,000/-	Rs.8,66,760/-

10. Counsel for the Claimants further submits that the rate of interest awarded by the Ld. Tribunal i.e. at 7.5% per annum from the date of filing of the claim petition till its realization is worth to be maintained in view of the settled proposition of law established by the Apex Court and applied by this Court.

However, learned counsel appearing on behalf of respondents submits that the rate of interest should not be over the awarded amount and therefore, it should be reduced to the rate of 6% per annum.

11. I have gone through the judgments cited by counsel for the claimants and thus, I deem it appropriate to grant the rate of interest at 7.5%

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per annum.

12. Thus, keeping in view the aims and objects of this beneficial legislation of providing relief to the victims or their families, the total compensation payable to the claimants is **Rs.8,66,760/-** along with interest at **7.5%** per annum from the date of filing of claim petition till the date of payment of compensation to the Claimants.

13. Needless to mention that out of the total payable compensation amount, already paid amount (if any) in compliance to the impugned award, would be adjusted and the amount of compensation awarded shall be distributed among the claimants in the same ratio as was held by the Ld. Tribunal.

14. Therefore, by partly modifying the award, appeal is allowed with the terms indicated here-above.

Pending miscellaneous applications, if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

December 14, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*