

ROOPWATI & ORS.

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v.

RAM KISHAN & ORS.

(Civil Appeal No. 6818 of 2022)

OCTOBER 14, 2022

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[HEMANT GUPTA AND SUDHANSHU DHULIA, JJ.]

Motor Vehicles Act, 1988 – Motor accident resulting in death of a person – Compensation claim on his behalf by his wife, his son and his mother – Accident occurred when deceased was riding on a three-wheeler with his brother – The vehicle was being driven by respondent no. 1, and was insured with respondent no.3-insurance company – Tribunal was of the opinion that the accident did occur due to the rash and negligent driving by driver of the three-wheeler and fixed the liability on the insurance company – Total amount of compensation awarded by the Tribunal was Rs.4,33,000/- – Appeal – High Court awarded increased compensation on the opinion that the multiplier should have been thirteen instead of nine and the Tribunal was wrong in not granting any amount towards the future prospects – Therefore, the High Court increased the compensation awarded to Rs. 6,55,000/- and also increased the rate of interest from 7% to 7.5% – Held: The change of multiplier was granted by the High Court as the age of the deceased was wrongly recorded as 60 and was found to be 50 years, based on scientific evidence – High Court correctly awarded the compensation – Order of High Court upheld.

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CIVIL APPELLATE JURISDICTION: Civil Appeal No. 6818 of 2022.

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From the Judgment and Orders dated 26.09.2018 of the High Court of Punjab and Haryana at Chandigarh in FAO No. 6277 of 2014 (O&M).

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Pradeep Kumar Kaushik, Dr. Sunil Kumar, Mukesh Kumar Sharma, Advs. for the Appellants.

Ravi Shankar Jha, Manish Kumar, Gopal Singh, Abhinav Singh, Advs. for the Respondents.

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A The Judgment of the Court was delivered by

SUDHANSHU DHULIA, J.

1. This appeal is of the claimants, which arises out of the Impugned Judgment dated 26.09.2018 by the High Court of Punjab & Haryana at Chandigarh in an appeal against the order of Motor Accident Claims Tribunal (for short, the “Tribunal”) dated 13.05.2013.

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2. The accident occurred on 22.11.2010 when the deceased Hari Ram was riding on a three-wheeler with his brother Dev Prasad from Mitrol to Palwal, Haryana. The vehicle was being driven by respondent no. 1, i.e., Ram Kishan and was insured with respondent no. 3 (IFFCO TOKIO General Insurance Company LTD.). During the journey an accident occurred and the vehicle was toppled which resulted in grievous injuries to the body of Hari Ram. He was taken to the hospital but he succumbed to his injuries on the very next day on 23.11.2010. The claim petition was filed on his behalf by his wife, his son and his mother. The Tribunal was of the opinion that the accident did occur due to the rash and negligent driving by driver of the three-wheeler. The vehicle was insured with respondent no.3 insurance company and the liability was fixed on the insurance company by the Tribunal. The award was made on the following: -

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A	Expenses incurred on the treatment of deceased during admission	Rs.13,000/-
B	Monthly income of the deceased Hari Ram	Rs.5,000/-
C	After deducting 1/4 th from the monthly income of Rs.5000/- in view of dependency of deceased, the amount comes to,	Rs.3,750/-
D	Annual Income of the deceased 12= comes to	Rs.3,750/- x Rs.45,000/-
E	Multiplier of ‘9’ is to be applied x 9 = Applied keeping in view the age of the deceased as 60 years as per Sarla Verma’s case	Rs.45,000/- Rs.4,05,000/-
F	Compensation on account of last rites and transportation charges	Rs.5,000/-
G	Compensation towards loss of estate	Rs.5,000/-
H	Compensation towards loss of consortium	Rs.5,000/-
	The total amount of compensation	Rs.4,33,000/-

3. The matter was taken in appeal by the High Court which after considering the submissions of the Ram Kishan and respondent no.3 awarded them increased compensation on the opinion that the multiplier should have been thirteen instead of nine and the Tribunal was wrong in not granting any amount towards the future prospects. A

4. Therefore, the High Court increased the compensation awarded to Rs. 6,55,000/- with the amount to be given at the 7.5 % interest. The change of multiplier was granted by the High Court as the age of the deceased was wrongly recorded as 60 and was found to be 50 years, based on scientific evidence. The High Court has also increased the rate of interest from 7% to 7.5%. B

5. The High Court has correctly awarded the compensation and the order of the High Court needs no interference by this Court. Hence this appeal is dismissed. No order as to costs. C

Bibhuti Bhushan Bose
(Assisted by : Rakhi, LCRA)

Appeal dismissed.