

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.1330-1337 OF 2017
(@ Special Leave Petition (C)No.24812-24819 of 2015)

JATINDER KAUR ETC. ETC.

Petitioner(s)

VERSUS

GURMIT SINGH @ GOLLA & ORS. ETC. ETC.

Respondent(s)

O R D E R

Counsel for the Insurance Company has accepted service in respective cases. Service is complete on necessary parties.

1. Leave granted.

2. These appeals are directed against the common final judgment and order dated 11.11.2014 passed by the High Court of Punjab and Haryana at Chandigarh in in FAO No. 343-A/1995, FAO No. 344-A/1995, FAO No. 345-A/1995, FAO No. 346-A/1995, FAO No. 347-A/1995, FAO No. 348-A/1995, FAO No. 349-A/1995, and FAO No. 350-A/1995.

Brief facts of the case are stated hereinbelow:

3. On 02.09.1991, an accident took place between a Maruti Car bearing No. DDR 7098 driven by one Rajesh Kumar which was coming from Patiala towards Dehradun and a Truck bearing No. PJP 5425 coming from the opposite side driven by Gurmit Singh @ Gola in a rash and negligent manner resulting in the death of seven passengers of the Maruti Car viz. Harpreet Singh, Kitrishna Devi, Surinder Kaur, Shanky, Shally, Jasbir Singh and Rajesh Kumar

(Driver). The rest of the two passengers viz. Bhupinder Singh and Jatinder Kaur sustained serious injuries.

4. An FIR No. 137 was registered on the same day under Section 279/337/338/304-A/427 of IPC with Police Station- Sadar, Rajpura, Patiala District at the instance of one Mohinder Singh, Maternal uncle of Bhupinder Singh.

5. A claim petition under Section 166 of the MVA, 1988 was filed against the owner driver and insurer of Maruti Car before the MACT, Patiala and vide Order 05.05.1994, the tribunal held that the owner of the Maruti Car - Rulda Singh and Jatinder Kaur's claim totally fails and dismissed their claims as they could not prove the rash and negligent driving of the respondent No. 1. The tribunal accepted the other claim petitions and fixed amount of Rs. 25,000/- each on account of the death of the passengers. Further, the tribunal held the owner of the Maruti car also responsible for the accident. The tribunal awarded the injured Bhupinder Singh a sum of Rs. 12,000/- for his permanent disability caused due to injury due to the accident. The tribunal further awarded interest on the amount from the date of award till its realization.

6. Aggrieved by the order of the tribunal, the petitioners approached the High Court and vide impugned order dated 11.11.2014 increased the compensation as mentioned in the table in the order.

Hence, these appeals by way of Special Leave Petitions.

7. Considering the facts and circumstances of the case, the age of the deceased, income, dependency in the case of death and in case of injury sustained by Bhupinder Singh and Jatinder Kaur, we find that the compensation awarded by the courts below is too meagre. We, therefore, deem it appropriate to enhance the compensation as per the table herein below:

Claimants	Age of the deceased/ nature of injury	Multiplier by the High Court	Compensation awarded by High Court	Total Compensation awarded by this Court after enhancement
Pritam Kaur, Mother of deceased son,	20 years	18	Rs.1,92,000/-	Rs.2,92,000/-
Gurbax Singh and Family, Son and Grandson of the deceased,	65 years	7	Rs. 47,000/-	Rs.2,47,000/-
Gurbax Singh, Husband and son of the deceased	45 years	14	Rs.2,03,000/-	Rs.5,03,000/-
Jatinder Kaur and Anr. Widow of the deceased	27 years	17	Rs.2,59,000/-	Rs.6,69,000/-
Jatinder Kaur and Anr. Mother of minor child	4 years		Rs.1,00,000/-	Rs.2,00,000/-
Jatinder Kaur and Anr. Mother of minor child	4 months		Rs. 75,000/-	Rs.1,50,000/-
Bhupinder Singh, injured	30% permanent disability		Rs.1,00,000/-	Rs.2,00,000/-
Jatinder Kaur & Anr.	Simple injury		Rs. 10,000/-	Rs. 20,000/-

8. The above amount shall also carry interest at the rate of Rs. 7.5% p.a. from the date of filing of the application till the date of realization. The enhanced/outstanding amount will be paid within a period three months.

The appeals are allowed to the aforesaid extent.

.....J.
[ARUN MISHRA]

.....J.
[R.BANUMATHI]

NEW DELHI;
FEBRUARY 01,2017

ITEM NO.8

COURT NO.10

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).24812-24819/2015

(Arising out of impugned final judgment and order dated 11/11/2014 in FAO No. 343-A/1995, FAO No. 344-A/1995, FAO No. 345-A/1995, FAO No. 346-A/1995, FAO No. 347-A/1995, FAO No. 348-A/1995, FAO No. 349-A/1995, FAO No. 350-A/1995 passed by the High Court of Punjab & Haryana at Chandigarh)

JATINDER KAUR ETC. ETC.

Petitioner(s)

VERSUS

GURMIT SINGH @ GOLLA & ORS ETC. ETC.
(With Office Report)

Respondent(s)

Date : 01/02/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mrs. Abha R. Sharma, Adv.
Mrs. Sujeeta Shrivastav, Adv.
Mr. Guru Sharan Maurya, Adv.
Mr. Susheel Tomar, Adv.
Mr. Dheerendra Singh Parmar, Adv.
Mr. Kavitta Sharma, Adv.

For Respondent(s) Dr. Sudhir Bisla, Adv.
Ms. Sumitra Bisla, Adv.
Mr. Kamal Mohan Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeals are allowed in terms of the signed order.

(B.Parvathi)
Court Master

(Tapan Kr. Chakraborty)
Court Master

(Signed order is placed on the file)