IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5769 of 2014
Date of Decision: 15.11.2017

L&T General Insurance Co.Ltd. ....Appellant

Vs.

Savitri Devi and others ....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Kulwinder Singh, Advocate, for the appellant.

Mr.S.K.Yadav, Advocate, for respondents No.1 to 4.

Mr.M.K.Yadav, Advocate, for respondents No.5 and 6.

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RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the appellant/Insurance Company (for short 'the appellants'), against award dated 17.04.2014, passed by the learned Motor Accident Claims Tribunal, Narnaul (for short, 'the Tribunal') vide which compensation to the tune of Rs.10,69,600/- was awarded to the claimants on account of death of Pehlad Singh.

FACTS NOT IN DISPUTE

On 28.07.2012, Pehald Singh and Lokesh son of Shiv Charan and other mechanics were repairing a truck which was parked to the extreme left side of the road at katcha berm near bus stand of Village PalriP Panihar. It was averred that at about 7:30 p.m a trolla bearing registration NoRJ32GA/6223 which was being driven by respondent No.1 at a high speed, in a zig zag manner and came from Mahendergarh side and hit against the truck which was being repaired by Pehlad Singh and Lokesh Kumar. As a result of this, both the person sustained grievous injuries and he was died. It is further alleged that accident had taken place due to the driving of trolla by respondent No.1. An FIR No.279 dated 29.07.2012 was registered on the complaint of Mahender at P.S.Mahendergarh.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 22 years old as per his

ITI diploma and the claimants has produce the certificate Ex.P4 which was approved by Ministry of Labour, Government of India that he was a mechanic. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr.No.	Heads of compensation	Amount
1	Salary as skilled worker in 2012-13	5800/- p.m.
2.	50% future prospect	Rs.5800/- + Rs.2900/-= Rs.8700/- per month
3.	Deduction 50%	Rs.8700- Rs.4350= Rs.4350/-
4.	Annual loss of dependency after applying the multiplier	Rs.4350/- X12 X 18= Rs.9,39,600/-
5.	Funeral Expenses	Rs.25,000/-
6.	Loss of estate	Rs.5,000/-
7.	Love and affection (both the claimants) appellant No.1 and 2.	Rs.1,00,000/-
	Total	Rs.10,69,600/-

Notice of motion in this case was issued on 12.08.2014 as counsel for the appellant contends that learned Tribunal had adopted multiplier in view of the age of the deceased as unmarried by in whose favour the award has been passed. It was further submitted that claimants were only parents of the deceased, the age of parents would also be relevant for adopting multiplier. Counsel for the appellant/Insurance Company had referred to the matter to a Larger Bench of this court to dilate on this in the case of **Surjit Kaur Vs. Jaspal Singh and others.**

Learned counsel for the appellant/Insurance Company has made objections with regard to applying of multiplier 18, income of the deceased, grant of future prospect and love and affection.

It is proved by certificate Ex.P4 that deceased was mechanic as such, his income was fixed as per skilled worker in 2012-2013 and multiplier has been rightly applied in view of the age of deceased and compensation with regard to future prospect and towards love and affection keeping in view of the law prevalent at that time.

In view of the above, the orders of the learned Tribunal do not reflect any material irregularity or perversity which warrant interference. Hence the present revision stands dismissed.

As per order dated 12.08.2014, 15% amount of total compensation has been deposited with learned Tribunal in the shape of FDR be released to the claimants in accordance with law.

(RITU BAHRI)
JUDGE

15.11.2017
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No