

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

**FAO No.3737 of 2016 (O&M)
Date of decision: 16.11.2017**

Udham Singh and another

....Appellants

Versus

Sanjay Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the appellants.

Mr. Vinod Gupta, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as 'the Tribunal') vide award dated 28.05.2015, on account of death of Sahil in a motor vehicular accident which took place on 17.07.2014. Appellants are parents of deceased Sahil.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 17.07.2014 at about 1.00 P.M., Sahil (since deceased) and his father Udham Singh were present at Baba Mastnath Chowk, Rohtak along with their motorcycle bearing registration No. HR-99-PM (T)-5618. In the meantime, a Dumper bearing registration No.HR-46-B-9398 being driven by Sanjay Singh-respondent No.1 in a rash and negligent manner, came from the side of IMT, Rohtak and hit the deceased and his motorcycle, as a result of which, he fell down

and received injuries. Thereafter, he was taken to Post Graduate Institute of Medical Sciences (PGIMS), Rohtak, where he succumbed to the injuries on the same day. With regard to the incident, FIR Ex.P1 was registered. Consequently, the claimant-appellants filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of the rash and negligent driving of offending Dumper by its driver-respondent No.1 and thus, returned finding on issue No.1 in favour of the claimants. This finding was given on the basis of deposition of Udham Singh (PW-1), who was an eye witness of the accident and on whose statement FIR Ex.P1 was recorded.

The deceased was 17 years of age at the time of accident/death. He was student of 10+2. In the absence of any documentary proof, notional income of the deceased was assessed as Rs.6000/- per month as that of an unskilled worker, out of which, 50% amount was deducted towards his personal expenses, which came to be Rs.3000/- per month. The deceased was bachelor. Accordingly, multiplier of 15 was applied keeping in view the age of his parents, who were between the age group of 36-40 years. After applying the multiplier of 15, dependency of claimants came to Rs.5,40,000/- (3000/- x 12 x 18). In addition to it, Rs.25,000/- were awarded on account of funeral expenses and Rs.1,00,000/- for loss of love and affection. Hence, the claimants were found entitled to total compensation of Rs.6,65,000/- along with interest @ 7.5% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award,

the claimant-appellants have preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. After going through the impugned Award, this Court is of the view that the compensation has rightly been assessed by the Tribunal and no ground is made out to interfere therein.

Dismissed.

(RITU BAHRI)
JUDGE

16.11.2017
ajp

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