

**FAO No. 664 of 2015 and
FAO No. 665 of 2015**

:1:

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO No. 664 of 2015
Date of decision : July 04, 2017

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Shri Ram General Insurance Company Limited
.....Appellant

Versus

Tej Bahadur and others
.....Respondents

FAO No. 665 of 2015

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Shri Ram General Insurance Company Limited
.....Appellant

Versus

Smt. Jasbir Kaur and others
.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Sh. Rajbir Singh, Advocate for
Mr. Sanjeev Goyal, Advocate for the appellant.

Mr. Sagar Aggarwal, Advocate
for respondent no.1 (in FAO No. 664 of 2015)
for respondents no. 1 to 4 (in FAO No. 665 of 2015).

None for the remaining respondents.

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RITU BAHRI, J.

The appellant-Shri Ram General Insurance Company Ltd. have
come up in appeals bearing FAO No.664 of 2015 titled `Shri Ram General

Insurance Company Limited vs. Tej Bahadur and others' and FAO No. 665 of 2015 titled, 'Shri Ram General Insurance Company Ltd. Vs Smt. Jasbir Kaur and others' against the award dated 01.08.2014 passed by the Motor Accidents Claims Tribunal SAS Nagar, Mohali in MACT Case No. 133 of 17.11.2012 titled 'Tej Bahadur vs. Prempal and others' and in MACT Case No. 134 of 17.11.2012 titled, 'Smt. Jasbir Kaur and others vs. Prempal and others' respectively, whereby the claim petitions filed by the legal heirs of the deceased were allowed.

Briefly stated the facts of the case are that on 21.8.2012 Tej Bahadur, his wife Chandrawati, their minor son Deewan @ Vivan and daughter Khushi were traveling in a car bearing registration No. HR-05-M-6021 driven by Sukhbir Singh and they were going from Lucknow to Delhi. Sukhbir Singh was driving the car at a normal speed and when he reached in the area of village Navdiya, Police Station Katra District Shahjahanpur in front of Baba Dhaba at about 6:30 a.m, one Mahindra Bolero Jeep bearing No. UP-27-T-2826 which was being driven by Prem Pal rashly came from the opposite direction and struck against the car driven by Sukhbir Singh. As a result all the occupants of the car including Sukhbir Singh received multiple injuries and Sukhbir Singh succumbed to his injuries while Chandrawati and Deewan also died after reaching Sidhi Vinayak Hospital, Bareilly (UP). In this regard, police of Police Station Katra registered an FIR No. 242 dated 21.8.2012 under Sections 279, 337, 304-A, 427 IPC against respondent no.1.

Tej Bahadur husband of Chandrawati and father of Deewan @ Vivan under Section 166 of Motor Vehicles Act filed Claim Petition No.

133 of 17.11.2012 on account of death of his wife Chaderawati and Claim
Petition No.132 of 17.11.2012 on account of death of his infant son Deewan
@ Vivan. It was alleged that Chaderawati was 22 years of age. Besides
household work, she was also doing knitting and stitching work and was
earning Rs.10,000/- per month. Master Deewan@ Vivan was three years of
age at that time.

The claim petition was allowed. Chanderawati being a house
wife, her services were evaluated in money to the extent of Rs.6000/- per
month. Thus her nominal income was assessed as Rs.6000/- per month.
On account of death of Chanderawati, claimant was was held entitled to the
compensation as per the following table:

<i>Sr. No.</i>	<i>HEADS</i>	<i>CALCULATION</i>
1	Annual income	Rs. 6000x12= Rs. 72,000/-
2	Multiplier	Rs. 72000x18= Rs. 12,96,000/-
3	Add 50% increase on a/c of future prospects	Rs. 6,48,000/-
4	Loss of dependency	Rs.19,44,000/-
5	Funeral expenses	Rs.25,000/-
6	Loss of consortium	Rs.1,00,000/-
7	TOTAL	Rs. 20,69,000/-

Smt. Jasbir Kaur, wife of Sukhbir Singh, Jaspreet Kaur and
Rishi Pal, minor children of Sukhbir Singh and Smt Naib Kaur @ Naibo
mother of Sukhbir Singh under Section 166 of Motor Vehicles Act,1988
filed Claim Petition No. 134 of 17.11.2012 on account of death of Sukhbir
Singh. It was alleged that besides doing agricultural work, Sukhbir Singh
was also working with Dauphin Touch Network Pvt. Ltd. and was earning
Rs.25,000/- per month.

This claim petition was also allowed. The monthly income of
Sukhbir Singh was assessed as Rs.9,000/- from all his sources of income.

Claimants were held entitled to the compensation as per the following table:

<i>Sr. No.</i>	<i>HEADS</i>	<i>CALCULATION</i>
1	Annual income	Rs. 9000x12= Rs. 1,08,000/-
2	Multiplier	Rs.108000x17= Rs. 18,36,000/-
3	Add 50% increase on a/c of future prospects	Rs. 9,18,000/-=Rs. 27,54,000/-
4	Less deduction on account of personal and living expenses	Rs.6,08,500/-=Rs. 21,45,500/-
5	Funeral expenses	Rs.25,000/-
6	Loss of consortium	Rs.1,00,000/-
7	Loss of love and affection	Rs. 1,00,000/-
	TOTAL	Rs. 23,70,500/-

The Tribunal held that the accident had taken place on account of rash and negligent driving of the vehicle by Prem Pal, driver of the offending vehicle which was owned by Raja Ram and as the offending vehicle was insured with Shri Ram General Insurance Co. Ltd., all three of them were held jointly and severally liable to pay the compensation amount in both the claim petitions. The Insurance Company was given a right to recover the claim amount from the driver and the owner of the offending vehicle as Prem Pal, the driver of the offending vehicle was not carrying any driving licence at the time of accident.

Feeling dissatisfied with the award of the Tribunal, the appellant-Insurance Company has preferred the present appeals.

I have heard counsel for the parties and thoroughly perused the case file. Counsel for the appellant-Insurance Company has not been able to point out any material mistake in calculating the compensation amount which has been awarded to the claimants by the Tribunal. Income of the deceased have rightly been assessed by the Tribunal and the Insurance

Company and the driver and owner of the offending vehicle have rightly been held liable to pay the compensation to the legal heirs of the deceased jointly and severally. Insurance Company was also given a right to recover the claim amount from driver and owner of the offending vehicle.

In view of all that has been discussed above, no ground is made out to interfere with the award of the Tribunal. Hence both the appeals are dismissed.

July 04, 2017
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No