

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.7082 of 2016  
Date of Decision: 14.12.2017

Rajbala and others .....Appellants

Vs.

Vijay Pal and others .....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Arun Yadav, Advocate,  
for the appellants.

Ms.Vandana Malhotra, Advocate,  
for respondent/Insurance Company.  
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**RITU BAHRI, J. (ORAL)**

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 16.02.2016, passed by the learned Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal') vide which compensation to the tune of Rs.22,67,986/- was awarded to the claimants on account of death of Rakesh Kumar.

**FACTS NOT IN DISPUTE**

On 11.02.2015, the deceased Rakesh Kumar was sitting on his motorcycle at NH-8, near Pashupati cut Kapriwas and was talking with Dewa Nanad, was hit by the driver of canter No.HR-47B-1767 by driving the same at a very high speed and in negligent manner. Due to which he fell down and received multiple injuries. Rakesh was taken to Pushpanjali Hospital Gurgaon where he died on the next date . FIR (Ex.P10) has been registered against the driver/respondent No.1 with regard to accident.

**COMPENSATION ASSESSED BY MACT**

The Tribunal held that the deceased was 38 years old as per death summary Ex.P7 and Ex.P8 and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under :-

| Sr.No. | Heads of compensation | Amount |
|--------|-----------------------|--------|
|--------|-----------------------|--------|

|     |                                                            |                                                    |
|-----|------------------------------------------------------------|----------------------------------------------------|
| 1   | Income per month as skilled worker (driver)                | Rs.10,000/-                                        |
| 2.  | Future prospect 50%                                        | Rs.10,000/- + Rs.5,000/-=<br>Rs.15,000/- per month |
| 3.  | Deduction on personal expenses 1/4th                       | Rs.15,000 --- Rs.3750=<br>Rs.11,250/-              |
| 4.  | Annual loss of dependency after applying the multiplier    | Rs.11250/- X 12 X 15=<br>Rs.20,25,000/-            |
| 5.  | Treatment expenses                                         | Rs.32,986/-                                        |
| 6.  | Loss of consortium                                         | Rs.1,00,000/-                                      |
| 7.  | Loss of estate                                             | Rs.10,000/-                                        |
| 8.` | Expenses on last rites and transportation                  | Rs.25,000/-                                        |
| 9.  | Loss of care and guidance for children (Rs.25,000/- each). | Rs.75,000/-                                        |
|     | Total                                                      | Rs.22,67,986/-                                     |

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced. Learned counsel submits that the loss of consortium awarded by the Tribunal is on the lower side and further nothing has been awarded towards love and affection to parents, who were fully dependent upon the deceased. On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

In view of the above, compensation has been rightly awarded in all counts and no further modification is required to be made in the Award. Therefore, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence, the present appeal stands dismissed.

(RITU BAHRI)  
JUDGE

14.12.2017  
anil

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