

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

FAO No.7247 of 2017 (O&M)
Date of decision : 06.11.2017

United India Insurance Company Limited

...Appellant

Versus

Reeta Sharma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V. Ramwaroop, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The Insurance Company is in appeal against the award passed by the Motor Accident Claims Tribunal.

It is not in dispute that the respondents, Insurance Company or the driver did not produce any evidence. Only respondent No.2, registered owner of the vehicle had appeared and stated that he had sold the vehicle to respondent No.1.

Learned counsel for the appellant has submitted that although eye-witness has stated that he took the deceased in the injured condition to the hospital, however, the Medico Legal Report shows that the deceased was produced by the police. However, in the present case, appellant had failed in leading any evidence to create any dent in the case of the claimants.

In my considered opinion, this will not improve the case of the appellant.

Learned Motor Accident Claims Tribunal after recording a finding that defendant No.1 was rash and negligent while driving the vehicle on the date of the accident assess the compensation payable as ₹20,89,800/-.

The Tribunal has noticed that the deceased-Rajesh Kumar was working for Pepsu Roadways Transport Corporation, a Punjab Government Undertaking. It has been found by the Tribunal that the deceased was working as a Conductor posted on counter for advance booking. He use to receive 1% commission on the sale of the tickets. It was found that in the year 2016, the deceased received a commission of ₹1,33,174/- for a period of 9 months. Thus, the Tribunal worked out the monthly income of ₹14,800/- per month. The Tribunal after imposing 1/4th cut assessed the compensation by applying a multiplier of 14 considering the age of the deceased as 44 years.

Learned counsel for the appellant has submitted that as per the judgment passed by the Hon'ble Supreme Court in case *SLP No.25590 of 2014 titled as National Insurance Company Ltd. Vs. Pranay Sethi and others*, funeral expenses and love and affection could not be to the extent of ₹1,25,000/-.

He has submitted that as per the Constitution Bench Judgment, maximum amount which has been awarded under the conventional head is ₹70,000/-.

Taking into consideration that Hon'ble Constitution Bench has granted certain amount on account of the future prospectus, remaining amount certainly be adjusted towards the future prospectus.

Taking into consideration the aforesaid facts, this Court does not find any good ground to interfere with the award passed by the Motor Accident Claims Tribunal.

Appeal is dismissed.

06.11.2017

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No