

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

FAO No. 4624 of 2007 (O&M)

Date of Decision: 18.04.2018

Oriental Insurance Company ltd.

....Appellants

V/S

Gurmej Singh and Others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Ashwani Talwar, Advocate,
for the appellant.

RITU BAHRI, J.(Oral)

This appeal has been filed by the appellant(s) against the Award dated 04.09.2007 passed by Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'the Tribunal') whereby the claimants have been awarded a compensation of Rs.5,60,000/- on account of death of Smt.Kanta Rani in a motor vehicular accident which took place on 29.04.2006.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 29.04.2006 a Maruti Car No. HR-01H-0185 was being driven by claimant Randhir Singh while deceased Kanta Rani along with Neha and one Babloo were occupants in the said car. The car was going from Dhillon farm of village Kesri towards main village. The car was being driven by Randhir Singh on the correct left side of the road and at a moderate speed. After some time, the car came on the Haryana State highway Saha to Shahabad road and from there a right turn was given to the car. The car had covered a distance of about 2 Killas after coming on the main road and at about 3 p.m., a truck loaded with wheat bearing registration No.HR-37B-0872 came from the opposite side which was being driven by the driver, respondent No.1 in a rash and negligent manner. The

said truck came on the extreme wrong side of the road and dashed against the car driven by Randhir Singh on the Kacha Berm. As a result of the impact all the occupants of the car sustained injuries. Kanta Rani and Neha sustained grievous injuries. Respondent No.1 viz driver of the truck ran away from the place of accident after leaving his truck on the spot. From the place of accident the petitioners were shifted to civil hospital Shahabad and from where Kanta Rani and Neha were referred to PGI Chandigarh. However, Kanta Rani died on the way to PGI on account of injuries sustained by her in the accident. In this regard an FIR No 58 dated 29.04.2006 was registered against the driver of the truck No. HR-37B-0872 by the authorities of Police Station Barara for committing the offences punishable under Sections 279/337/427 and 304 A of IPC.

Consequently, claimants-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 been caused on account of negligent driving of offending vehicle by driver. Claimants deposed that at the time of accident/death, deceased was 34 years of age and also stated that deceased was working as labour job and earning Rs. 3000/- and value of her services towards the family was stated to be Rs. 4,000/- per month.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. In absence of authentic proof regarding the income of the deceased, Tribunal assessed the income of deceased at Rs. 3,000/- per month and her age as on the date of accident/death took as 34 and multiplier of 15 applied by Tribunal. As per

the prevalent law at that time, Tribunal assessed the compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.3,000/- per month
(ii)	Multiplier applied	Rs.3000X12X15=5,40,000/-
(iii)	Compensation towards last rites of the deceased	Rs.10,000/-
(iv)	Compensation towards loss of consortium	Rs.10,000/-
	Total amount of compensation	Rs.5,60,000/-

Feeling aggrieved with the impugned award, the appellant has preferred the present appeal.

In the present appeal parties are not in dispute with the findings on issue no. 1, that accident took place due to rash and negligent driving of respondent No. 1. Learned counsel for the appellant argued that the compensation awarded by the Tribunal, is on the higher side.

I have heard learned counsel for the parties and perused the record.

A perusal of the award shows that, compensation awarded by the Tribunal after taking income of the deceased at Rs.3,000/-per month is on right side and multiplier of 15 has also been rightly applied and the same does not require any modification.

Hence, the impugned Award, the orders of the learned Tribunal does not reflect any material irregularity or perversity which may warrant interference of this Court. Hence the present appeal stands dismissed.

18.04.2018

Riya Grover

(RITU BAHRI)

JUDGE

Whether speaking/reasoned Yes

Whether reportable No