IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) FAO No.5892 of 2011 (O&M)

Reliance General Insurance Co. Ltd.

.... Appellant

Versus

Mrs. Jyoti Gulati and others

.... Respondents

(2) FAO No.5893 of 2011 (O&M)

Reliance General Insurance Co. Ltd.

.... Appellant

Versus

Mrs. Sumitra Devi and others

.... Respondents

(3) FAO No.876 of 2012 (O&M)

Smt. Sumitra Devi and another

.... Appellants

Versus

Mannu Parsad and others

.... Respondents

(4) FAO No.916 of 2012 (O&M)

Smt. Jyoti Gulati and another

.... Appellants

Versus

Mannu Parsad and others

.... Respondents

Date of Decision: 18.08.2018

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tajender K. Joshi, Advocate
for the appellant/Ins. Co. (in FAO Nos.5892 and 5893 of 2011) and
for respondent No.3/Ins. Co. (in FAO Nos.876 and 916 of 2012).

Mr. R.C.Gupta, Advocate
for the appellants/claimants (in FAO Nos.876 and 916 of 2012) &
for respondent Nos.1 & 2 (in FAO Nos.5892 and 5893 of 2011).

None for respondent Nos.3 and 4 (in FAO Nos.5892 & 5893 of 2011)
and for respondent Nos.1 and 2 (in FAO Nos.876 and 916 of 2012).

****

MAHABIR SINGH SINDHU, J.

With the consent of both the sides and for convenience, this order shall dispose off the aforementioned four appeals, filed under Section 173 of the Motor Vehicles Act, 1988 *(for short 'the Act'),* as the same have arisen out of the common impugned Award dated 02.06.2011, passed by learned Motor Accidents Claims Tribunal, Rohtak *(for short 'the Tribunal').*

(2) FAO Nos.5892 and 5893 of 2011 have been filed by the Insurance Company for setting aside the impugned Award; whereas FAO Nos.876 and 916 of 2012 are for enhancement of compensation by the claimants on account of deaths of Vineet Punia and Vibha Gulati, respectively in a motor-vehicular accident.

(3) Brief facts of the case are that on 06.09.2009, Vibha Gulati along with Vineet Punia were coming from Gurgaon to Faridabad on a motor-cycle bearing registration No.HR-12-J-3101, driven by Vineet Punia, whereas Vibha Gulati was a pillion rider. When they reached near Chetan Sharma Petrol Pump, a 'Mahindra Pick-Up' vehicle bearing registration No.HR-38-H-2062 *(for short 'offending vehicle')*, driven by respondent No.1-Mannu Parsad in a very rash and negligent manner and at a very high speed, came from the opposite direction i.e. Faridabad side and hit against the motor-cycle. As a result thereof, both of them fell down along with their motorcycle and sustained multiple serious injuries and died on the spot.

One Ajaywant Malik (PW-5), who was coming from Gurgaon in a Car bearing registration No.HR-36-E-0026, witnessed the occurrence. After causing the accident, the driver of the offending vehicle fled away from the spot. Immediately thereafter, police reached at the spot and both the deceased were taken to B.K. Hospital, Faridabad. An FIR No.264 dated 06.09.2009, under Sections 279 and 304-A of the Indian Penal Code, Police Station Suraj Kund (Faridabad) was registered in the matter.

(4) FAO No.916 of 2012 arising out of Claim petition No.36 of 2010, pertains to deceased-Vibha Gulati, wherein it is pleaded that she was 22 years of age. After completing her Bachelor of Science (B.Sc.) from DAV College, Chandigarh, cleared Management Aptitude Test (MAT), conducted by Haryana State Counseling Society, Panchkula and on the basis thereof, joined MBA in Career Institute of Technology and Management College, Faridabad *(for short 'CITM')* and at the time of accident, she was in the final year of MBA. Also averred that she was running a Tuition Centre for Math and Science as well as Educational Consultancy at Faridabad and her monthly earning was ₹ 25,000/-. Since she was having a bright career and thus, after completion of MBA, there were chances of getting placement with handsome salary of about ₹ 7-8 Lakh per annum. She had borrowed a study loan of ₹ 2,10,000/- from Central Bank of India, Rohtak and the same shall now be repaid by her legal representatives. An amount of ₹ 40,000/- is alleged to have been spent on transportation and last rites of the deceased and thus, laid a claim for the compensation of ₹ 30 Lakh along with interest @ 18% per annum from the date of filing of the claim petition till its realization.

(5) FAO No.876 of 2012 has arisen out of Claim Petition No.37 of 2010, relating to death of Vineet Punia, in which, it is averred that deceased was 22 years of age and after completion of his Bachelor of Science (B.Sc.) in Hospitality and Hotel Administration with 1st Division from Institute of Hotel Management, Catering and Nutrition, Kufri, Shimla *(for short 'B.Sc. in Hotel Management'),* was pursuing MBA from Ansal Institute of Technology, Gurgaon *(for short 'Ansal Institute')* and at the time of death, running a Paying Guest House at Gurgaon and prior thereto at Shimla. Further averred that deceased was running a Tuition Centre for Math and Science at Faridabad and his monthly earning was ₹ 25,000/-. Thus, he was a brilliant student as he cleared Management Aptitude Test (MAT), conducted by the Government of Haryana and was offered placement from Australia. The deceased was an Income-Tax assessee and an amount of ₹ 40,000/- is alleged to have been spent on transportation and last rites and a claim has been made for ₹ 30 Lakh along with interest @ 18% per annum from the date of filing of the claim petition till its realization.

(6) In response to the claim petitions, respondent Nos.1 and 2 filed joint written statement by taking similar stand in both the cases and denied the averments made therein. Further submitted that respondent Nos.1 and 2 (driver and owner) have been wrongly impleaded just to grab the compensation as neither the driver of the offending vehicle was at fault; nor the offending vehicle was involved in the alleged accident. Respondents denied the age, qualification, income and pursuing of MBA by both the deceased. Also alleged that the FIR has been registered on the basis of false allegations. Lastly submitted that the offending vehicle was insured with respondent No.3 at the time of alleged accident and in case the involvement of the same is proved, then respondent No.3 is liable to pay the compensation and not respondent Nos.1 and 2. Further submitted that a truck was going ahead of the offending vehicle and the motorcyclist struck with the said truck and then rammed into the offending vehicle and that resulted into the accident. Also raised a plea that respondent No.1 was having a valid driving license and the offending vehicle was moving on a moderate speed on the left side of the road.

Respondent No.3/Insurance Company filed separate reply in both the cases and denied the averments made therein including the accident in question. Even the factum of age, occupation, qualification, income, pursuing of MBA by both the deceased as well as expenses on transportation and last rites were also denied. Further submitted that the driver of the offending vehicle was not holding a valid driving license at the time of alleged accident and the same was being used in violation of the terms and conditions of the Insurance Policy.

(7) Learned Tribunal consolidated both the claim petitions vide order dated 12.10.2010 and on the basis of pleadings of both the parties, framed the following issues:-

> *1. Whether the accident in question took place due to the rash and negligent driving of Mahindra Pick Up No.HR-38H-2062 by respondent No.1 Mannu Parsad on 6.9.2009 causing death of Vibha Gulati? OPP*

2. *Whether the accident in question took place due to the rash and negligent driving of Mahindra Pick Up No.HR-38H-2062 by respondent No.1 Mannu Parsad on 6.9.2009 causing death of Vineet Punia? OPP*
3. *If issue no.1 is proved in affirmative, whether petitioners are entitled to any compensation, if so, to what amount of compensation and from whom the petitioners are entitled to? OPP*
4. *Whether the claim petition is incomplete, vague and does not disclose any cause of action? OPR*
5. *Whether the vehicle i.e. Mahindra Pick Up No.HR-38H-2062 has been used in violation of the terms and conditions of the policy? OPR*
6. *Whether the petition is bad for mis-joinder of necessary parties? OPR*
7. *Whether the petition is not maintainable? OPR*
8. *Relief.*

(8) The claimants/appellants, in order to prove the claim petition regarding the death of Vineet Punia, examined PW 1-Mahabir Singh, Senior Tax Assistant and PW 2-Om Parkash Punia.

(9) In the second case regarding the death of Vibha Gulati, the claimants/appellants examined PW 3-Pardeep Gulati, PW4-Anand Bhandari, PW 6-Kishan Lal and PW 7-Arvind Kumar, Clerk, Central Bank of India and produced documentary evidence i.e. Post Mortem Report of deceased-Vibha Gulati (Ex.P-16), Secondary School Certificate (Ex.P-17), showing her date of birth as 03.08.1987, Senior School Examination Certificate (Ex.P-18), D.M.C. of B.Sc. (Ex.P-21), Degree of B.Sc. (Ex.P-22), D.M.Cs. of MBA 1^{st} & 2^{nd} Semester (Ex.P-23 and Ex.P-24), MAT Score (Mark D) and Seat Allotment of CITM (Mark H).

PW 5-Ajaywant Malik, who witnessed the occurrence and PW 8-Horilal, Criminal Ahlmad are common witnesses in both the cases.

(10) On the other hand, the respondents examined Bhuvnesh, registered owner of the offending vehicle as RW-1 and produced Driving License of respondent No.1 as Ex.R-1, Registration Certificate and Insurance Cover Note of the offending vehicle as Ex.R-2 and Ex.R-3 respectively.

(11) Learned Tribunal, after taking into consideration the entire material, available on record, decided Issue Nos.1 and 2 in favour of the claimants/appellants and came to the conclusion that Vibha Gulati and Vineet Punia had died in an accident on 06.09.2009 due to rash and negligent driving of the offending vehicle by respondent No.1-Mannu Parsad.

Regarding Issue Nos.4, 5, 6 and 7, neither any evidence was led; nor the same were pressed during the course of hearing, therefore, learned Tribunal decided these issues against the respondents and in favour of the claimants/appellants.

Learned Tribunal, while deciding Issue No.3, devoted paragraphs 15 to 20 of the impugned award for claim petition regarding the death of Vibha Gulati; whereas paragraphs 21 to 25 pertain to the claim case regarding the death of Vineet Punia.

Taking into consideration the age of deceased-Vibha Gulati as 22 years as well as the fact that she was a student of MBA IInd year and running a Tuition Centre for Math and Science. Deceased has also cleared MAT Score and obtained 95.84% marks and thus was a brilliant student and her future was very bright as such students, after getting placement, receive the package of ₹ 7/8 Lakh per annum, learned Tribunal awarded the lump-sum amount of ₹ 5,00,000/- (Five Lakh) to the claimants/appellants. In addition, learned Tribunal awarded an amount of ₹ 10,000/- on account of last rites and transportation charges and ₹ 20,000/- for loss of love and affection.

(12) In the claim petition on account of death of Vineet Punia, learned Tribunal, after taking into consideration the Income-Tax Returns (Ex.P-1 and Ex.P-2), found that annual income of deceased-Vineet Punia was ₹ 1,08,000/- and keeping in view the fact that he was a student of MBA 1st year and thus, would have easily earned ₹ 10,000/- per month with the passage of time. But keeping in view the fact that deceased was unmarried, learned Tribunal made a deduction of ½ of the income towards his personal expenses and assessed the annual loss of income as ₹ 60,000/-. After applying the multiplier of 11, learned Tribunal calculated the amount of compensation as ₹ 6,60,000/- (₹ 60,000 x 11). In addition, an amount of ₹ 10,000/- was awarded towards last rites and transportation charges as well as ₹ 20,000/- for loss of love and affection. Hence, the total compensation of ₹ 6,90,000/- (₹ 6,60,000 + ₹ 10,000 + ₹ 20,000) was awarded in the case of death of Vineet Punia.

Learned Tribunal also awarded an interest @ 7.5% per annum in both the claim petitions, payable from the date of filing of the petitions till realization of the compensation.

All the respondents were held liable to pay the amount of compensation jointly and severally.

(13) In FAO No.916 of 2012, it is argued by learned Counsel for the appellants that keeping in view the age, income, qualification and future prospects of deceased-Vibha Gulati, the compensation awarded by learned Tribunal is insufficient and on the lower side. Further argued that learned Tribunal has not taken into consideration the testimony of PW 6-Kishan Lal, who has specifically deposed that his son-Dev used to attend the tuition classes from deceased-Vibha Gulati and was paying ₹ 1500/- per month as tuition charges to her. Also submitted that there were 15-16 other students, who were taking the tuition classes from the deceased and as such, the lump-sum amount of ₹ 5 Lakh is not legally sustainable, rather learned Tribunal ought to have taken into consideration the monthly income of deceased at least ₹ 15,000/- and should have applied the multiplier of 18 in view of the law laid down by the Hon'ble Supreme Court in '**Sarla Verma (Smt.) and others** *Versus* **Delhi Transport Corporation and another, (2009) 6 SCC 121**'. Further argued that in view of the law laid by the Hon'ble Supreme Court in ***'National Insurance Company Limited*** *Versus* ***Pranay Sethi and others', (2017) 16 SCC 680***, the claimants /appellants are entitled for compensation towards future prospects as well as under other heads.

(14) Similarly, in FAO No.876 of 2012, it is argued by learned Counsel for the claimants/appellants that the compensation, awarded by learned Tribunal, is not commensurate to the age, income, qualification and future prospects of deceased-Vineet Punia. It is further argued that learned

Tribunal has wrongly applied the multiplier of 11 and no compensation has been awarded for future prospects as he was a brilliant student and well qualified. Further argued that in view of the ***Pranay Sethi's case (supra)***, the claimants/appellants are entitled for compensation on account of future prospects as well as under the other heads.

(15) It is also argued in both the appeals by the appellants/claimants that the interest awarded @ 7.5 % per annum is also on the lower side.

(16) Heard arguments from both sides and perused the record.

(17) Although, Insurance Company-respondent No.3 has filed two separate appeals against the impugned award, but during the course of hearing, learned Counsel for the Insurance Company has not raised any argument or grievance against the findings recorded by learned Tribunal on Issue Nos.1, 2, 4, 5, 6 and 7 and he has confined his prayer only regarding the quantum of compensation, awarded to the claimants/appellants in FAO Nos.876 and 916 of 2012. Thus, findings on these Issues are affirmed. It is specifically recorded that except plea on quantum of compensation, no other point has been raised by the Insurance Company.

Learned Counsel for the Insurance Company, while arguing on the quantum of compensation, submitted that learned Tribunal has already granted the compensation on higher side and thus, the same deserves to be reduced in both the cases. He further contended that in the case of deceased-Vibha Gulati, learned Tribunal awarded a lump sum amount of ₹ 5 Lakh without any basis and the same deserves to be reduced. Still further in the claim pertaining to deceased-Vineet Punia, learned Tribunal has awarded the compensation only on the basis of the Income Tax Returns (Ex.P-1 and

Ex.P-2) without there being any substantive evidence and thus, the compensation amount of ₹ 6,90,000/- also liable to be reduced.

(18) In FAO No.916 of 2012, the claimants/appellants have examined Pardeep Gulati (father of deceased-Vibha Gulati) as PW-3, who deposed that she had died in a motor-vehicular accident on 06.09.2009 and an amount of ₹ 40,000/- was spent on transportation and last rites. Further deposed that deceased was 22 years of age and earning ₹ 25,000/- per month while running tuition classes for Math and Science at Faridabad as well as Educational Consultancy. This witness also deposed that after completion of her B.Sc. from DAV College, Chandigarh, she cleared MAT Score and obtained 95.84% marks, conducted by the Govt. of Haryana and was allotted CITM, Faridabad where she was pursuing her MBA IInd year at the time of accident. During cross-examination, he denied the suggestion that deceased-Vibha Gulati had not died on 06.09.2009 in the road accident or that they have not spent ₹ 40,000/- on transportation and her last rites. Also denied that their daughter was not doing MBA IInd year from CITM, Faridabad or that she was not running a Tuition Centre for Math and Science and not earning ₹ 25,000/- per month. Also denied the suggestion that she was not 22 years of age and had not obtained 95.84% marks.

From the Matriculation Certificate of deceased-Vibha Gulati (Ex.P-17), it is clearly proved that her date of birth was 03.08.1987 and as such, on the date of accident i.e. 06.09.2009, she was 22 years of age. Certificate/Degree (Ex.P-21 and Ex.P-22) further prove that she completed her B.Sc. from DAV College, affiliated with Panjab University, Chandigarh and Ex.P-24 substantiate that she had passed up to 2nd Semester Examination of MBA (two years' programme in May, 2009) and secured 606 marks out of 800. From the testimonies of PW3-Pardeep Gulati and PW6-Kishan Lal, it is duly proved that the deceased was running tuition classes for Math and Science and used to charge ₹ 1500/- per month from the son of PW 6, namely, Dev. Although, PW 6 has deposed that deceased used to impart tuition to 15-16 other students also, but there is no other evidence to support this fact. Even PW 3-Pardeep Gulati (father of the deceased) has also not deposed specifically about the number of students, but simply stated that she was earning ₹ 25,000/- per month.

Therefore, taking into consideration the totality of the circumstances i.e. untimely tragic death of a brilliant student at young age of 22 years, ground realities of life, qualification and the fact that she was pursuing her MBA final year, which she joined on the basis of MAT Score and also the observations of learned Tribunal in Para 17 of the impugned Award that "*the students like her after getting placement received the package of 7/8 Lacs per annum*", this Court deems it appropriate to assess her monthly income at the time of death as ₹ 6,000/-.

So far as claim regarding education loan of ₹ 2,10,000/- is concerned, the same was declined on the ground that the loanee (deceased) was insured vide Policy No.176012759 dated 27.08.2008 and, therefore, the same is not to be repaid by the legal representatives of deceased-Vibha Gulati, and this Court does not find any fault with the reasoning adopted by learned Tribunal regarding claim for education loan. Consequently, learned

Tribunal awarded total compensation of ₹ 5,30,000/- to the claimants/appellants for the death of Vibha Gulati.

Since the deceased was unmarried, therefore, in view of the law laid down by the Hon'ble Supreme Court in ***Sarla Verma's case (supra)***, the deduction of ½ is to be made towards her personal expenses and multiplier of 18 is attracted. Further in view of the law laid down by Hon'ble Supreme Court in the case of ***Pranay Sethi (supra)***, an addition of 40% is to be made towards future prospects as well as compensation under other conventional heads.

Thus, in the opinion of this Court, the following amount of compensation would be the "just compensation" on account of death of Vibha Gulati:-

Sr. No.	***Heads***	***Calculation***
(i)	*Monthly income of the deceased*	*₹ 6000*
(ii)	*Annual Income of the deceased*	*₹ 6000 x 12 = ₹ 72,000*
(iii)	*½ of (ii) deducted for personal expenses*	*₹ 36,000*
(iv)	*40% addition for future prospects*	*₹ 36,000 + ₹ 14,400 = ₹ 50,400*
(v)	*Net annual income of the deceased*	*₹ 50,400*
(vi)	*Multiplier*	*18*
(vii)	*Total Loss of dependency*	*₹ 50,400 x 18 = ₹ 9,07,200*
(viii)	*For loss of consortium*	*₹ 40,000*
(ix)	*For loss of estate*	*₹ 15,000*
(x)	*For Funeral Expenses*	*₹ 15,000*
	Total Compensation	***₹ 9,77,200***

(19) In FAO No.876 of 2012, PW 1-Mahabir Singh, Sr. Tax Assistant has produced the Income Tax Returns of deceased-Vineet Punia for the

Assessment Year 2007-2008 and Assessment Year 2008-2009 as Ex.P-1 and Ex.P-2, respectively. Perusal of Ex.P-2 reveals that annual income of the deceased for the Assessment Year 2008-2009 is shown ₹ 1,08,000/- and during cross-examination by the respondents, this witness has denied the suggestion that he has produced the false record.

PW 2-Om Parkash Punia has deposed that his son-Vineet Punia (deceased), aged 22 years, completed B.Sc. in Hospitality and Hotel Administration from Kufri, Shimla and after clearing MAT Examination with 98% marks, was pursuing MBA 1st year from Ansal Institute. Further deposed that he was running a Paying Guest House and in addition thereto, imparting tuition for Math and Science and his monthly income was ₹ 25,000/-. This witness further deposed that deceased was offered placement from Australia and applied for Visa and produced copy of PAN Card (Ex.P-5); Receipts of Ansal Institute of Technology, Gurgaon (Ex.P-7 to Ex.P-10); Certificates of Education up to Sr. Secondary as (Ex.P-11, P-12, P-13 and P-14) as well as copy of Certificate of B.Sc. (Hospitality and Hotel Administration) as Ex.P-15. During cross-examination, he denied the suggestions that the deceased had not died in the road accident or that they did not spend ₹ 40,000/- on transportation and last rites. Also denied that the deceased was not pursuing MBA or he was not running a Paying Guest House as well as Tuition Centre for Math and Science and not earning ₹ 25,000/- per month. Further denied that the deceased had not completed B.Sc. in Hotel Management, Kufri, Shimla or that he had not cleared MAT Score and obtained 98% marks.

In view of the discussions above, it is duly proved from the Certificate (Ex.P-11) that the date of birth of the deceased was 27.11.1987 and as such, on the date of accident i.e. 06.09.2009, he was 22 years of age. Certificate (Ex.P-15) is regarding the B.Sc. in Hospitality and Hotel Administration, whereas documents (Ex.P-7 to Ex.P-9) established that deceased was pursuing his MBA from Ansal Institute at the time of accident. Ex.P-5 is the PAN Card of the deceased, issued by the Income Tax Department.

In order to refute the evidence brought on record by the claimants/appellants, respondent No.3 has not produced any evidence to the contrary. Therefore, the argument on behalf of the Insurance Company that the income reflected in the Income Tax Return (Ex.P-2) should not be the basis for assessing the annual income of the deceased-Vineet Punia is without any substance and thus, the same is liable to be rejected and consequently, this Court does not find any fault with the learned Tribunal while accepting the same as a valid document, which has come from the proper source.

Since the deceased was unmarried, therefore, in view of the law laid down by the Hon'ble Supreme Court in **Sarla Verma's case (supra)**, ½ of the annual income is to be deducted towards his personal expenses and thus the annual dependency would come to ₹ 1,08,000 – ₹ 54,000 = ₹ 54000/-. Again, in view of the law laid down by Hon'ble Supreme Court in ***Pranay Sethi's case (supra)***, 40% addition is to be made for the future prospects and the claimants/appellants are entitled for compensation under the other heads i.e. loss of consortium, loss of estate and funeral expenses. Thus, in view of the facts and circumstances discussed hereinabove, the following amount of compensation would be the "just compensation" on account of death of Vineet Punia:-

Sr. No.	***Heads***	***Calculation***
(i)	*Annual Income of the deceased*	*₹ 1,08,000*
(ii)	*½ of (i) deducted for personal expenses*	*₹ 54,000*
(iii)	*40% addition for future prospects*	*₹ 54,000 + ₹ 21,600 = ₹ 75,600*
(iv)	*Net annual income of the deceased*	*₹ 75,600*
(v)	*Multiplier*	*18*
(vi)	*Total Loss of dependency*	*₹ 75,600 x 18 = ₹ 13,60,800*
(vii)	*For loss of consortium*	*₹ 40,000*
(viii)	*For loss of estate*	*₹ 15,000*
(ix)	*For Funeral Expenses*	*₹ 15,000*
	Total Compensation	***₹ 14,30,800***

(20) In view of above, both FAO Nos.876 and 916 of 2012, filed by the claimants, are accepted and the impugned award dated 02.06.2011, passed by learned Tribunal, is modified accordingly.

Since both the deceased were brilliant students and having a bright career and were pursuing their Master Degree in Business Administration, but their untimely death have shattered both the families resulting into an irreparable loss, therefore, to balance the situation and a slight more solace to the claimants/appellants, this Court deems it appropriate to modify the rate of interest from 7.5% per annum to 9% per annum. Needless to say that amount of compensation, already paid to the claimants/appellants, shall be adjusted and the remaining balance amount shall be paid to the claimants within a period of six weeks from the date of receipt of certified copy of this order.

(21) In view of the discussion made in paragraph 17 of this order, learned Counsel for the Insurance Company has not raised any grievance against Issue Nos.1, 2, 4, 5, 6 & 7 and findings on these Issues have already been affirmed by this Court, but he confined his arguments only regarding the quantum of compensation. Since the amount of compensation, awarded by learned Tribunal in both the claim petitions, has been enhanced by this Court while accepting the appeals of the appellants/claimants (FAO Nos.876 and 916 of 2012), therefore, there is no justification to further delve into the point for reduction of the amount of compensation by entertaining the appeals of the Insurance Company (FAO Nos.5892 and 5893 of 2011). As a result thereof, both the appeals of the Insurance Company are dismissed.

August 18, 2018 **(MAHABIR SINGH SINDHU)**
Gagan **JUDGE**

Whether speaking/reasoned	*Yes*
Whether Reportable	*Yes*