

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.10583 of 2014
Date of Decision: 01.02.2018

Sangeeta Devi and Ors.

....Appellants

V/S

Naresh Kumar and Anr.

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Anil Kumar, Advocate,
for the appellants.

Mr. Ankur Gupta, Advocate,
for IFFCO TOKIO General Insurance Co. Ltd.

RITU BAHRI, J.(Oral)

The present appeal has been filed by the appellants against the Award dated 02.08.2014 whereby appellants-claimants have been awarded compensation of Rs.14,96,100/- along with interest @6% p.a., by the learned Motor Accident Claims Tribunal, Sahibzada Ajit Singh Nagar (for short, 'the Tribunal') on account of death of Suresh Kumar Gupta in road accident which took place on 04.02.2013.

FACTS NOT IN DISPUTE

Brief facts of the case are that deceased-Suresh Kumar Gupta age about 32 years was working as Turner in Eee & Cee pressing private Ltd, Panchkula, on 04.02.2013 at about 1.30 AM, the deceased was going from Zirakpur towards Panchkula being pillion rider on a motorcycle when they reached on flyover opposite to City Palace offending car No. HR03-N-9933 being driven very fastly and in a negligent manner and struck agaisnt their motorcycle. Due to this accident, the decased fell on the road and suffered serious injuries including head injury and he died on the sopt. The said accident took place due to rash and negligent driving by respondent No. 1. In this regard FIR No.49 dated 04.02.2013

under Sections 279, 304 of IPC was registered against respondent No. 1 at Police Zirakpur.

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 due to rash and negligent act of truck driver/respondent No.1. The deceased was 40 years of age and working as Turner with Eee & Cee Pressings Pvt. Ltd., Panchkula and was getting salary Rs. 8000/- per month.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. Keeping in view all facts and circumstances Tribunal awarded compensation to the claimants as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
	Salary	Rs. 85,200/-
2	Add 30% towards future prospects	Rs.25,560/-=1,10,760/-
3	Deduction 1/4 th	27,690=83,070/-
4	Multiplicant(annualised)	40 years
5	Multiplier	15
6	Loss of dependancy	12,46,050/-
7	Loss of consortium	Rs.1,00,000/-
8	Loss of care and guidance to minor children	Rs.1,00,000/-
9	Loss of estate	Rs.25,000/-
10	Funeral expenses	Rs.25,000/-
11	Total	Rs.14,96,050/-
	Rounded off	Rs.14,96,100/-

The learned counsel for the claimants-appellants contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to the enhanced.

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

In the present appeal parties are not in dispute with the findings of issue no. 1 that accident took place due to the sole rash and negligent driving of respondent No. 1.

A perusal of the Award shows that income assessed by the Tribunal i.e. Rs.85,200/- and 30% benefit of future prospects has been given is on right side does not required any interference. It is further averred that multiplier applied by the Tribunal is also as per law laid in case *Smt. Sarla Verma Versu Delhi Transport Corporation and Others 2009(3) Punjab Law Reporter 22.* and compensation awarded under the additional heads loss of estate, love and affection is also on the right side does not required to be enhanced.

Hence, Impugned Award, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

Dismissed.

01.02.2018
Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No