

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

**FAO No.1025 of 2015
Date of Decision: 20.03.2018**

Chander Kalan and Anr

....Appellants

V/S

Sandeep and Others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. S. K. Yadav, Advocate,
for the appellants.

Ms. Vandana Malhotra, Advocate,
for the Insurance Company.

RITU BAHRI, J.(Oral)

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') vide award dated 01.12.2014, on account of death of Chhaju Ram in a motor vehicular accident which took place on 14.07.2013.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 14.07.2013 at about 10.00 a.m. Chhaju Ram, since deceased, was going from village Dongrahir to his village Bhalkhi on his motorcycle No. HR-34D-8413 while driving the same at a moderate speed and by following all the traffic rules and he was to go to his Dhani after crossing village Bhalkhi and when Chhaju Ram was on the katcha passage 25 feet away from the road in the North side then a motorcycle No. HR -26-AF-8934 came from Mohindergarh side on which two young boys were riding and the said motorcycle was being driven by respondent No. 1 at a high speed, in a rash and negligent manner and the

driver hit his motorcycle against the motorcycle of Chhaju Ram as a result thereof, Chhaju Ram fell down on the edge of the road and in this accident his left leg got fractured and he suffered serious injury on his head and he became unconscious there. After the accident he was taken to civil Hospital, Mohindergarh by hiring a vehicle from where due to his serious condition he was referred to higher medical centre and when he was being taken to Jaipur he breathed his last on the way. As per the petitioner, the accident had been caused by respondent No.1 while driving motorcycle No.HR-26 AF-8934 at a high speed, in a rash and negligent manner. In this regard, an FIR No. 188 dated 14.07.2013, under sections 279/304A IPC was registered in Police Station Kanina.

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 65 years of age at and he was earlier employed in Indian Army and was drawing pension after retirement from there and thereafter he got employed in Haryana Forest Department and was retired from the post of Forester and was getting an amount of Rs.30,000/- as pension after retiring from both the departments.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. 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.5,000/-
(ii)	50% deducted towards Personal expenses	Rs.5,000-2,500=2,500/-
(iii)	Multiplier applied	Rs.2,500X12X7=2,10,000/-
(iv)	Compensation towards loss of consortium	Rs.1,00,000/-
(v)	Compensation towards funeral expenses	Rs.25,000/-
	Total compensation	Rs.3,35,000/-

Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

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.

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

A perusal of the award shows that, compensation awarded by the Tribunal do not required any modification keeping in view the ratio laid down in the judgment of Hon'ble Supreme Court in case *National Insurance Company Ltd vs. Pranay Sethi and others, passed in Spl Leave Petition (Civil) No. 25590 of 2014, decided on October 31, 2017*. Since deceased Chhaju Ram was 65 years of age so, there is no loss of future prospects to the claimant.

Hence, the 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.

20.03.2018

Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No