

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.165 of 2016

Date of Decision: 09.01.2018

Gianwati and others

.....Appellants

Vs.

Vikram Verma and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms.Jagdish Sharma, Advocate,
for the appellants.

Mr.Sanjeev Goyal, Advocate, for
respondent No.3-Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 04.04.2015, passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') vide which compensation to the tune of Rs.18,65,775/- was awarded to the claimants on account of death of Dashrath Lal.

FACTS NOT IN DISPUTE

On 26.10.2014, the deceased was going from Sector 17 Bus stand to Sector Bus Stand, Chandigarh after dropping passengers at Sector 17 Chandigarh on his auto rickshaw bearing registration No.CH-03-J-1043. When he reached near light point of Sector 34-35, Chandigarh, a car bearing No.CH04-B-1986 being driven by respondent No.1 in a rash and negligent manner, without obeying traffic rules, hit the vehicle of deceased. Due to the accident, deceased fell on the road along with auto rickshaw. Police reached the spot and took the deceased to Sector 16 hospital, Chandigarh.

serious injuries, deceased died in the hospital on 27.10.2014. An FIR No.311 dated 27.10.2014 for the offence under Section 279, 337 IPC has been registered against the respondent No.1.

On connected appeal filed by the Insurance Company i.e. respondent No.3 herein which has against the same Award which has been dismissed by this Court on 25.08.2015. Hence, the finding with regard to accident had attained finality.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 42 years old as per Ex.C26 and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. The Learned Tribunal has held that deceased was semi skilled worker and his income in the year can safely be assessed at Rs.10,000/- per month in view of the nature of his job and judgment G.Dhanasekar Vs. M.D.Metropolitan Transport Corporation Ltd. 2014 (1) RCR (Civil) 993 (SC). Keeping in view the above, the learned Tribunal has assessed the compensation as under:-

Sr.No.	Heads of compensation	Amount
1	Income	Rs.10,000/- X 12 = Rs.1,20,000/- p.a.
2.	Future prospect 30%	Rs.1,20,000/- + Rs.36,000/-= Rs.1,56,000/- p.a.
3.	Deduction 1/4th	Rs.1,56,000/- p.a.-- Rs.39,000/- = Rs.1,17000/-
4.	Annual loss of dependency after applying the multiplier	Rs.1,17,000/- X 14= Rs.16,38,000/-
5	Funeral Expenses	Rs.25,000/-
6.	Loss of consortium	Rs.1,00,000/-
7.	Loss of care and guidance	Rs.1,00,000
8.	Medical bills Ex.C-5 to Ex.C12	Rs.2775/-
	Total	Rs.18,65,775/-

Learned counsel for the claimant-appellant contends that the compensation awarded by the Tribunal is on the lower side and deserves to be enhanced. On the other hand, the learned counsel for the respondents have vehemently opposed the present appeal.

After going through the Award of the Tribunal, compensation has been rightly awarded in all counts and no further modifications are required to be made in the Award. As such, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

09.01.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No