

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.285 of 2015 (O&M)
Date of decision:30.10.2018.

Reetu

...Appellant

Versus

Paramjit Singh and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vivek Suri, Advocate for the appellant.

Mr. Kuldip Singh, Advocate for respondents No.1 and 2.

None for respondent No.3.

Mr. Vinod Gupta, Advocate for respondent No.4.

LISA GILL, J.

This appeal has been filed by the claimant seeking enhancement of the compensation awarded to her by the learned Motor Accident Claims Tribunal, Panchkula ('Tribunal' for short) vide award dated 10.09.2014 on account of death of her husband Sanjeev Kumar in a motor vehicle accident on 30.05.2012.

The claimant, who is the wife of the deceased, filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of her husband Sanjeev Kumar due to injuries received in a motor vehicle accident which took place on 30.05.2012. FIR No.44 dated 31.05.2012 was registered under Sections 279, 304-A and 337 IPC at Police Station Sector 19, Panchkula against respondent No.1. It was pleaded that the deceased at the time of his death was working as Senior Helper with M/s Drish Shoes Ltd, Industrial Area, Panchkula and was earning Rs.6,000/- per

month as salary and Rs.4000/- per month as overtime. Compensation was thus prayed for.

The learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of the offending vehicle by its driver. There is no dispute regarding the above said finding of the learned Tribunal on this issue, which has attained finality.

Learned Tribunal further concluded the deceased to be 29 years old at the time of his death and assessed his monthly income as Rs.5424/- per month. Deduction of 1/3rd was effected towards personal expenses keeping in view the number of dependents. After applying a multiplier of 17, total dependency was assessed at Rs.7,37,664/-. 50% increment was afforded i.e. Rs.3,68,832/-. A lump-sum amount of Rs.25,000/- was awarded to claimant towards funeral expenses, transportation of dead body and last rites etc. A sum of Rs.1,00,000/- was awarded towards loss of consortium. Thus, claimant was held entitled for total compensation of Rs.12,31,496/- along with interest @ 7% per annum from the date of filing of claim petition till realisation.

Heard learned counsel for the appellant.

In terms of the judgments of Hon'ble the Supreme Court in National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009 and Magma General Insurance Company Ltd. Vs. Nanu Ram alias Chuhru Ram and others, in Civil Appeal No.9581 of 2018 decided on 18.09.2018 and other authoritative pronouncements, learned counsel for the appellant is unable to point out any ground for further enhancement of the compensation awarded to the appellant.

Keeping in view the facts and circumstances as narrated above,
I do not find any ground whatsoever to interfere in the impugned award dated
10.09.2014 in this appeal preferred by the claimant.

No other argument has been raised.

The appeal is accordingly dismissed with no order as to costs.

(LISA GILL)
JUDGE

October 30, 2018
Ishwar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No