

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

**FAO No.1846 of 2016 (O&M)
Date of decision: 22.02.2018**

Surinder Kaur and others

....Appellants

Versus

Harpreet Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashok Bhardwaj, Advocate,
for the appellants.

Mr. Rajneesh Malhotra, Advocate,
for respondent No.3-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, Chandigarh (hereinafter referred to as 'the Tribunal') vide award dated 06.07.2015, on account of death of Avtar Singh in a motor vehicular accident which took place on 16.12.2014. Appellant No.1 is widow and appellant Nos.2 to 4 are children of deceased Avtar Singh.

Brief facts of the case are that on 16.12.2014, at about 8.30 P.M., Avtar Singh (since deceased) was going on a bicycle from village Bhankharpur to his shop at Trivedi Camp, Mubarakpur. He was followed by his nephew Rajinder Singh on another bicycle. When Avtar Singh was about to cross the light points of Bhankharpur near Gurudwara Sahib, one motorcycle bearing No. CH-21 (T)-5678 being driven by respondent No.1

Zirakpur and struck against the bicycle of Avtar Singh, as a result of which, he (Avtar Singh) fell down on the road and received injuries. He was taken to Civil Hospital, Dera Bassi, where he was declared brought dead. With regard to the incident, FIR No.293 dated 17.12.2014, under Sections 279/304-A IPC was registered at Police Station, Dera Bassi, District SAS Nagar, against respondent No.1. Consequently, the claimant-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 taken place on account of the rash and negligent driving of offending vehicle by its driver-respondent No.1 and thus, returned finding on issue No.1 in favour of the claimants. This finding was given on the basis of deposition of Rajinder Singh (PW-2), who was an eye witness of the accident. Further, the claimants have proved on record copy of FIR Ex.P3 and postmortem report Ex.P4.

In the absence of any documentary proof, income of the deceased was assessed as Rs.6000/- per month i.e. Rs.72,000/- per annum. Out of this, 1/3rd was deducted towards personal expenses of the deceased. Dependency of the claimants came to Rs.48,000/- per annum. As per postmortem report, deceased was 50 years of age at the time of accident/death. Accordingly, multiplier of 13 was applied. After applying the multiplier of 13, dependency of claimants came to Rs.6,24,000/- (48,000 x 13). After adding 30% income on account of future prospects, the future income of deceased came to be Rs.1,87,200/- (round figure Rs.1,87,000/-). In addition to it, Rs.1,00,000/- were awarded to claimant No.1 on account of loss of consortium, Rs.50,000/- to claimants Nos.2 to 4 as loss of love

and affection, Rs.25,000/- as funeral expenses. Hence, the claimants were found entitled to total compensation of Rs.10,86,000/- along with interest @ 7.5% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. After going through the impugned Award, this Court is of the view that the compensation has been rightly assessed by the Tribunal and no ground is made out to interfere therein.

Dismissed.

(RITU BAHRI)
JUDGE

22.02.2018
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No