

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2329 of 2016
Date of Decision: 06.03.2018

Sudesh and Anr.

.....Appellant

Vs.

Som Pal and anr.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Virender Soni, Advocate, for the appellants.

Mr.Sanjeev Kodan, Advocate, for the respondent/Insurance
Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 02.02.2016, passed by the learned Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal') vide which compensation to the tune of Rs.7,18,960/- was awarded to the claimants on account of death of Balbir Singh husband of appellant No.1.

FACTS NOT IN DISPUTE

On 05.10.2012, the deceased Balbir Singh was coming on cycle from his native village Khotpura to village Alipura and vehicle No.HR-45B-0217 coming from Khotpura side had hit him. Two persons namely Krishan son of Ram chander and Ram Mehar Lambardar were talking near the site of accident and they had witnessed the accident. The deceased Balbir Singh sustained multiple injuries and died on the spot. An FIR No.299 dated 05.10.2012 has been lodged at the Police Station Sadar, Panipat against respondent No.1.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 45-50 years old and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. The factum of accident had been proved

and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr.No.	Heads of compensation	Amount
1	Income per month (as unskilled labourer)	Rs.4800/- per month
2.	Future prospect 30%	Rs.4800/- + Rs.1440/-= Rs.6240/-
3.	Deduction 1/3rd	Rs.6240/- - Rs.2080/- =Rs.4160/-
4.	Total loss of dependency after applying the multiplier	Rs.4160 X 12 X 13=Rs.6,48,960/-
5	Loss of consortium	Rs.50,000/-
6.	Litigation expenses	Rs.10,000/-
7	Loss of estate/expectation of life	Rs.5000/-
8	Funeral expenses	Rs.5,000/-
	Total	Rs.7,18,960/-

A perusal of the above calculation shows that learned Tribunal has awarded just and reasonable compensation in all counts in view of the larger Bench judgment of the Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017** and no modification is required in the compensation part. Hence, the present appeal is dismissed accordingly.

(RITU BAHRI)
JUDGE

06.03.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No