

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

**FAO No.3909 of 2015 (O&M)  
Date of Decision: 20.04.2018**

Sanju Devi and Others

....Appellants

V/S

Sube Singh and Others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present : Mr. Vijay Sangwan, Advocate,  
for the appellant(s).

Ms. Sheenu Sura, Advocate,  
for respondent No.3-Insurance Company.

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**RITU BAHRI, J.(Oral)**

**CM No. 12185-CII of 2015**

For the reasons mentioned in the application, same is allowed  
and delay of 405 days in filing the appeal is allowed.

Accordingly, present application stands disposed of .

**Main Case**

This appeal has been filed by the claimant(s)-appellant(s)  
seeking enhancement of compensation awarded by Motor Accident Claims  
Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') vide award  
dated 28.09.2013, on account of death of Subhash Chand in a motor  
vehicular accident which took place on 17.09.2009.

**FACTS NOT IN DISPUTE**

Brief facts of the case are that, on 17.09.2009, Subhash Chand,  
since deceased, was going on foot from Nangal Chaudhary bus stand  
towards village Mohanpur. He was walking on Katcha portion at the left  
side of the road. At around 5 PM the offending vehicle being driven by

respondent No.1 in a rash and negligent manner and at a fast speed came from Kotputli side and hit him. Resultantly, Subhash fell down on the ground and crushed by the offending vehicle. He died on the spot due to the injuries sustained in the accident. In this regard, an FIR No. 155 dated 17.09.2009 was registered in P. S. Nangal Chaudhary.

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 35 years of age and also stated that deceased was working in a college and earning Rs. 6,000/- per month. And by working in a brick kiln total amounting to Rs.10,000/- per month.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. In absence of authentic proof regarding the income of the deceased, Tribunal assessed the income of deceased at Rs. 4,000/- per month. As per the copy of death certificate of Subhash Chand as Ex. P2 he was 35 years of age at the time of accident. Hence, his age as on the date of his death shall be taken as 35 and therefore, relying upon the law laid down in **Smt. Sarla Verma and Others versus Delhi Transport Corporation and Anr, 2009(3) RCR 77,** multiplier of 15 has to be applied. 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.4,000/- per month |

| <i>Sr. No.</i> | <i>Heads</i>                                         | <i>Calculations</i>      |
|----------------|------------------------------------------------------|--------------------------|
| (ii)           | 50% added towards Future Prospects                   | Rs.4,000+2000=6,000/-    |
| (iii)          | 1/4 <sup>th</sup> deducted towards personal expenses | Rs.6000-1500=4500/-      |
| (iv)           | Multiplier applied                                   | Rs.4500X12X15=8,10,000/- |
| (v)            | Compensation towards loss of love and affection      | Rs.1,00,000/-            |
| (vi)           | Compensation towards last rites and funeral expenses | Rs.25,000/-              |
| (vii)          | Compensation towards loss of consortium              | Rs.1,00,000/-            |
|                | Total amount of compensation                         | Rs.10,35,000/-           |

Feeling dissatisfied with the impugned award, the claimant-appellant has 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.*

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.

20.04.2018  
Riya Grover

(RITU BAHRI)  
JUDGE

*Whether speaking/reasoned* Yes  
*Whether reportable* No