

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

FAO No.3546 of 2016 (O&M)

Date of decision: 09.05.2018

Charanjit Kaur and others

.... Appellants

Versus

Jassa Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Kulwinder Singh, Advocate for
Mr.Rajbir Singh, Advocate
for the appellants.

Mr. Ramandeep Singh, Advocate
for respondent No.2.

Avneesh Jhingan, J.

The present appeal has been filed for enhancement of compensation against award dated 09.03.2015 passed by Motor Accidents Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal').

In a motor vehicular accident that took place during the intervening night of 26.09.2013 and 27.09.2013, Malli Ram, aged 45 years, lost his life in the said accident. The offending vehicle in the accident was tractor trolley bearing registration No.PB-42C-1338.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by legal heirs of deceased Malli Ram. The Tribunal awarded a sum of Rs.11,17,175/- along with interest @ 9% per annum.

In a claim petition, it was pleaded that the deceased was working as a mason and used to take contract of construction of buildings. It was

claimed that he was earning Rs.20,000/-per month. The claimants failed to prove the occupation and earning of the deceased. Even in appeal, there is no serious contest to the monthly earning assessed by the Tribunal. The Tribunal awarded 30% future prospects, 1/4th deduction for self expenses was made and multiplier of 14 was applied in consonance with the decision of Supreme Court in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, 2009(6) SCC 121.** Rs.1,25,000/- has already been awarded under the conventional heads. The medical expenses as proved were reimbursed.

No case has been made for enhancement of compensation. The compensation awarded is almost in consonance with the decision of the Supreme Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and Ors., 2017 AIR (SC) 5157.**

The appeal is hereby dismissed.

(AVNEESH JHINGAN)
JUDGE

09.05.2018
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1.Whether the order is speaking/reasoned:	Yes/No
2.Whether the order is reportable :	Yes/No