

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

FAO No. 4596 of 2015 (O&M)

Date of decision : September 05, 2018

Smt. Basanti

.....Appellant

Versus

Rajeswar Parsad and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Kamaldeep Kaur, Amicus Curiae
for the appellant.

Ms. Shelja Sharma, Advocate for respondent No. 1.

Mr. Pradeep Kumar, Advocate for respondent No. 2.

LISA GILL, J.

Present appeal has been filed by the claimants for enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as the 'Tribunal') on account of death of Suresh Kumar vide award dated 02.03.2015.

Brief facts necessary for adjudication of the case are that the claimant i.e. mother of the deceased filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Suresh Kumar in a motor vehicle accident. It was averred that when Suresh Kumar (deceased) was crossing NH-8 to call a mechanic on 06.11.2012, the offending WagonR bearing registration No. DL-2F-AK-0040 driven by respondent No. 1 in a rash and negligent manner, at a high speed hit the deceased. Suresh Kumar suffered serious injuries. He was rushed to Park Hospital, Gurgaon, where he was operated upon. He was referred to Orbit Hospital, Gurgaon on 11.11.2012 where he succumbed to his injuries during treatment. The deceased, aged 28 years at the time of the accident was stated to be a driver, earning ₹15,000/- per month. Compensation was, thus,

claimed.

Claim petition was resisted by the respondents. Following issues were framed by the learned Tribunal:-

1. Whether Suresh Kumar sustained injuries and died due to road side accident on 06.11.2012, by way of rash and negligent driving by offending vehicle bearing registration No. DL-2F-AK-0040 being driven by respondent No. 1? OPP
2. If issue No. 1 is proved in favour of petitioner, then as to what amount of compensation and from whom out of respondents, the petitioner is entitled to receive the same? OPP.
3. Whether respondent No. 1 was not holding a valid and effective driving licence on the date of alleged accident? OPR
4. Whether the petition has been filed by collusion of petitioner and respondent No. 1? OPR
5. Whether respondent No. 1 did not comply with the term and conditions of insurance policy, if so to what effect? OPR(2)
6. Relief.

Learned Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as the 'Tribunal') afforded compensation to the appellant as under:-

<i>Sr. No.</i>	<i>Particulars</i>	<i>Amount in ₹</i>
1.	Notional Income of the deceased	5,000/-
2.	Add 50% on account of loss of future income of the deceased	2,500/-
3.	Less half income on account of own expenses of deceased	3,750/-
4.	Multiplier applied	17
5.	Loss of dependancy to the petitioner (3750x12x17)	7,65,000/-
6.	Medical expenses	1,75,000/-
7.	Loss of love and affection	25,000/-
8.	Funeral expenses	25,000/-
	Total	10,65,000/-

Present appeal has been filed for enhancement of compensation awarded by the learned Tribunal to the claimant-appellant on account of death of Suresh Kumar which took place on 06.11.2012. There is no evidence to indicate the deceased to be earning an income higher than ₹5000/- per month as assessed and neither has any such ground been raised.

In view of the guidelines laid down by the Hon'ble Supreme Court in National Insurance Company Limited versus Pranay Sethi and others 2017 (4) RCR (Civil) 1009, no ground whatsoever is made out for any enhancement in the compensation already afforded to the claimant-appellant.

Accordingly, the present appeal is dismissed with no order as to cost.

September 05, 2018
rts

(Lisa Gill)
Judge

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