

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 3639 of 2016

Date of Decision: 09.03.2018

Urmila and Others

....Appellants

V/S

Lalit Kumar and Others

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Vijay Sangwan, Advocate,
for the appellants.

RITU BAHRI, J.(Oral)

CM No. 12672-CII of 2016

For the reasons mentioned in the application, same is allowed
and delay of 38 days in filing the present appeal is condoned.

Accordingly, present application stands disposed of.

Main Case:

This appeal has been filed by the claimant-appellants seeking
enhancement of compensation awarded by Motor Accident Claims Tribunal,
Narnaul (hereinafter referred to as 'the Tribunal') vide award dated
07.11.2015, on account of death of Lal Chand in a motor vehicular
accident which took place on 05.01.2015.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 05.01.2015, Lal Chand, since
deceased, was standing at Tempo Stand, Kanina waiting for a vehicle. At
about 12.00 Noon a Haryana Roadways Bus Bearing No. HR-47B-4805
driven by its driver the respondent No. 1 came from Kanina side for going
to Mohindergarh. Lal Chand gave signal to stop the bus. The respondent

No. 1 stopped the bus for a while but thereafter the respondent No. 1 suddenly drove the bus at a high speed, in a rash and negligent manner because of which Lal Chand came underneath the bus and sustained grievous injuries on his person and Lal Chand died on the spot. Bijender Singh son of Phool Singh, resident of Village Dhanunda, Tehsil and District Mohindergarh witnessed the accident and lodged the FIR. As per the petitioners, the accident had been caused by respondent NO. 1 while driving Haryana Rodways bus bearing No. HR-47B-4805 at a high speed and in a rash and negligent manner. In this regard, an FIR No. 03 dated 05.01.2015 under Sections 279/304-A IPC was got registered in the Police Station, Kanina, District Mohindergarh.

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 respondent No.1. Claimants deposed that at the time of accident/death, deceased was 40 years of age at and he was earning Rs.15,000/- per month.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. As per the law laid down in ***Sarla Verma and others vs. Delhi Transport Corporation and another***, 2009 (3) RCR (Civil) Page 77, in case of deceased's age of 53 years, multiplier of 11 would be applicable, to calculate the amount of compensation payable to the claimants. Hence, Tribunal assessed the compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs. 5500/-
(ii)	30% added towards future prospects	Rs.5500+1650=7,150/-
(iii)	1/5 th deducting from (i) towards personal expenses	Rs.7,150-1,430=Rs.5,720/-
(iv)	Multiplier applied	Rs.5720X12X14=9,60,960/-
(v)	Compensation towards transportation, last rites, funeral expenses, loss of consortium and towards loss of love and affection	Rs.2, 25,000/-
	Total Compensation	Rs. 11,85,960/-

Feeling dissatisfied with the impugned award, the claimant-appellants have 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 to be modified keeping in view the ration 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.

09.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No