

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

**FAO No.5566 of 2015 (O&M)
Date of decision: 23.1.2018**

Amarjeet Kaur and another

....Appellants

Versus

Parkash and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.S.L.Barwala, Advocate for the appellants.

Mr.Sudanshu Makkar, Advocate for respondent No.3.

RITU BAHRI J. (Oral)

Appellants are in appeal against the award passed by Motor Accident Claims Tribunal, Sirsa dated 22.9.2014 whereby compensation of Rs.11,47,653/- has been awarded on account of death of Sawaran Singh, who was 49 years of age, in a road accident which took place on 14.9.2012.

FACTS NOT IN DISPUTE

On 13.9.2012 at about 7.20 p.m. Swaran Singh was returning to his home situated at village Rania on his scooter bearing registration No.HR 44C-6249. When he reached near village Abholi all of a sudden, offending Tractor Swaraj 724 bearing registration No.HR24 H-0938 hit the Scooter of Swaran Singh causing multiple and grievous injuries to Swaran Singh. On 15.9.2012 Swaran Singh died due to the injuries suffered by him in the accident. FIR No.236 dated 15.9.2012 under Sections 279/337/427/ 304-A IPC was registered at Police Station Rania.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to the conclusion that the accident had taken place on account of negligent driving of offending vehicle by driver-respondent No.1. This finding was rightly given on the basis of FIR Ex.P1 and deposition of the witnesses.

Ultimately, the claim petition was accepted by the Tribunal and compensation was assessed as under:-

Sr. No.	Heads	Amount (Rs.)	
1.	Income	Rs.6000/- p.m.	
2.	30% of above (i) to be added as future prospects	Rs.6000+1800= Rs.7800	
3.	1/3 of (ii) deducted as personal expenses of the deceased left behind two LRs	Rs.7800-2600 =5200/-	
4	Multiplicand (annualised by multiplying 12)	Rs.5200x12= 62400/-	
5	Multiplier(deceased between 46 to 50 years)	13	
6	Loss of dependence Rs.60720x15=	Rs.8,11,200/-	
7	Love and Affection	Rs.50,000/-	
8	Hospital charges 1,46,188/- Medicine Bill 15,265/-	Rs.1,61,453/-	
9	Loss of consortium for widow only funeral expenses= Compensation awarded	 Rs.25,000/- Rs.10,47,653/-	Rs.1,00,000/- Rs.1,00,000/-
	Total compensation awarded	Rs.11,47,653/-	

Learned counsel for the appellants contends that the

compensation awarded by the Tribunal is on the lower side.

On the other hand, learned counsel for the respondents has contended that just compensation has been awarded by the Tribunal and no interference is warranted.

I have heard learned counsel for the parties and perused the case file.

The factum of accident is admitted and proved. It is to be noticed that the deceased was 49 years of age and in the absence of any direct evidence, his income has been taken as Rs.6000/- p.m. which is not on the lower side keeping in view the minimum wages in the year 2012. After granting 30% future prospects, the entire compensation has now been released. In view of the judgment passed by Hon'ble the Supreme Court in *National Insurance Company Limited Vs. Pranay Sethi and others, Special leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017)*, no interference is required. Dismissed.

(RITU BAHRI)
JUDGE

23.1.2018

Meenu

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