

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

FAO No. 493 of 2016(O&M)

Date of Decision: September 05 , 2018.

Pinki and others APPELLANT (s)

Versus

Sarabjit and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Mandeep Kaur, Advocate for
Mr. Keshav Pratap Singh, Advocate
for the appellants.

Ms. Shweta Nahata, Advocate for
Mr. Jasbir Singh, Advocate
for respondent No.2.

Ms. Sanya Sapra, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No.3-Insurance company.

LISA GILL, J.

This is an appeal preferred by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, SAS Nagar, Mohali (for short, the 'Tribunal') vide impugned award dated 17.07.2015 on account of death of Sandeep Kumar in a motor vehicle accident.

Brief facts necessary for adjudication of the case are that, the

claimants/appellants filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of the death of Sandeep Kumar, who lost his life in a motor vehicle accident which took place on 16.02.2014 due to the rash and negligent driving of the offending Tavera vehicle bearing registration No. HR-04-N-0363 by respondent No.1 – Sarabjit. FIR in this case was lodged against respondent No.1-driver of the offending vehicle on the statement of an eye-witness Narender Pal (PW2). The said finding of the learned Tribunal has not been challenged and the same thus attained finality.

The learned Tribunal awarded a total sum of ₹26,55,000/- as compensation to the claimants vide impugned award dated 17.07.2015. Learned Tribunal has assessed the income of the deceased to be ₹10,000/- per month. Future prospects at the rate of 50% were awarded. While calculating the amount of compensation by the learned Tribunal, deduction of 1/4th on account of personal expenses was effected and multiplier of 18 was applied. ₹1,00,000/- was awarded on account of loss of consortium to claimant-wife and another sum of ₹1,00,000/- was awarded to minor son on account of loss of love and affection, besides, ₹25,000/- towards funeral expenses.

Learned counsel for the appellants is unable to deny that in view of the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680**, there is no scope for any further enhancement of the compensation awarded to the appellants by the learned Tribunal

No interference is called for in the impugned award dated 17.07.2015 passed by learned Motor Accident Claims Tribunal, SAS Nagar,

Mohali at the instance of the appellants.

Consequently, this appeal is dismissed with no order as to cost.

August 28 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No