

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

FAO No. 5019 of 2016(O&M)

Date of Decision: August 28 , 2018.

Reshma Bai and another

..... APPELLANT (s)

Versus

Mahavir Singh and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Nitin Rampal, Advocate
for the appellants.

Mr. Mayank Mathur, 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, Fazilka (for short, the 'Tribunal') vide impugned award dated 28.09.2010 on account of death of Sandeep Singh in a motor vehicle accident. The claimants are parents of the deceased.

Brief facts necessary for adjudication of the case are that, the claimants/appellants filed a petition under Sections 166 and 140 of the Motor Vehicles Act seeking compensation on account of the death of Sandeep Singh, who lost his life in a motor vehicle accident which took place on 28.09.2010 due to the rash and negligent driving of the offending truck bearing registration No. HR-46C-8355 by respondent No.1 – Mahavir Singh. FIR in this case was lodged

against respondent No.1-driver of the truck on the statement of CW1, Jarnail Singh. 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 ₹16,65,000/- as compensation to the claimants vide impugned award dated 25.02.2016. The deceased was 19 years old at the relevant time. Learned Tribunal has assessed the income of the deceased to be ₹8,000/- per month. Future prospects at the rate of 50% were awarded. While calculating the amount of compensation by the learned Tribunal, deduction of 1/3rd on account of personal expenses was effected and multiplier of 15 was applied. ₹1,00,000/- each was awarded on account of loss of consortium and loss of care of parents, 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 enhancement of the compensation awarded to the appellants.

No interference is called for in the impugned award dated 25.02.2016 passed by learned Motor Accident Claims Tribunal, Fazilka at the instance of the appellants.

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

(LISA GILL)
JUDGE

August 28 , 2018.
'om'

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