

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.6203 of 2015

Date of Decision: 16.03.2018

Raghbir Singh and Others

....Appellants

V/S

Gorav and Others

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. S. S. Chauhan, Advocate,
for the appellants.

Mr. Namit Khurana, Advocate,
for respondent Nos.1 and 2.

Mr. Piyush Shankar, Legal Manager,
Universal Sompo, General Insurance
Company Ltd.

RITU BAHRI, J.(Oral)

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') vide award dated 06.02.2015, on account of death of Sunil Kumar in a motor vehicular accident which took place on 10.11.2010.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 10.11.2010, Sunil Kumar, since deceased, was going to village Kunjpura on his motorcycle No. HR05R-1184, which was being driven by him at a slow and moderate speed and on his due left hand side of the road. At about, 11.45 AM, when he reached near Petrol Pump of village Kunjpura, then from the opposite side respondent

No.1 while driving his motorcycle No. HR05Q0492 came, while driving the said vehicle in a rash, negligent careless and zig zag manner. It hit his motor cycle against the motor cycle of Sunil Kumar since deceased. Due to this impact, both the motor cyclist fell down from their respective motor cycles. Sunil Kumar sustained serious, multiple and grievous injuries on his vital parts of body and respondent No.1 Gorav also sustained some injuries. It has been asserted that the said accident was witnessed by Bal Kishan son of Jogi Ram resident of Newal, Tehsil and District Karnal who had taken both the injured to the hospital, but on the way, Sunil Kumar succumbed to the injuries. In this regard, an FIR No. 277 dated 10.11.2010 has been registered against respondent No.1-Gorav under Sections 279/304A IPC at Police Station Kunjpura.

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 driver. Claimants deposed that at the time of accident/death, deceased was 22 years of age at and he was earning Rs.4400/- per month as a unskilled worker.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. As per the prevalent law at that time, Tribunal assessed the compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.4400/-
(ii)	50% added towards future prospects	Rs.4400+2200=6,600/-
(iii)	1/2 nd deducted towards personal expenses	Rs.6,600-3300=3,300/-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(iv)	Multiplier applied	Rs.3300X12X18=7,12,800/-
(v)	Compensation towards loss of love and affection	Rs.30,000/-
(vi)	Compensation towards funeral expenses	Rs.15,000/-
	Total compensation	Rs.7,57,800/-

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 any modification keeping in view the ratio 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.

16.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No