

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.5183 of 2016

Date of Decision: 09.03.2018

Khaimudin and Anr

....Appellants

V/S

Surinderjit Singh and Others

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Jasjit Singh Saini, Advocate,
for the appellants.

Mr. Gopal Mittal, Advocate,
for respondent No.3.

RITU BAHRI, J.(Oral)

CM NO.17647-CII of 2016

For the reasons mentioned in the application, same is allowed
and delay of 292 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,
Chandigarh (hereinafter referred to as 'the Tribunal') vide award dated
24.04.2015, on account of death of Ishaq in a motor vehicular accident
which took place on 20.06.2012.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 20.06.2012 Ishaq, since
deceased, was driving Max Pick Up bearing No. CH-04-4860 and was

coming from Moga to Chandigarh. Ajaim Ali was also accompanying him in the above said vehicle. At about, 4.45 a.m., when they reached near village Kili Chahal, a Tractor Trolley bearing registration No. PB19A-4271, loaded with bricks was parked in the middle of the road rashly and negligently without any indication and above said Max Pick Up struck at the back of said Tractor Trolley. Due to Impact, the Max Pick Up bearing No. CH04-4860 was badly damaged and Ajaim Ali died at Spot. Ishaq suffered injuries in the accident and was taken to Jagraon Hospital, Punjab from where he was referred to PGI Chandigarh and on 28.06.2012 he also succumbed to the injuries suffered by him in the accident in question. It is specifically pleaded that the accident took place due to rash and negligent driving of Tractor Trolley No. PB19A-4271 by respondent No. 1. In this regard, an FIR NO. 40 of 20.06.2012 under Sections 304A/427 of IPC was registered with the Police of Police Station Ajitwal, District Moga, Punjab on the basis of statement made by Ishaq, since deceased, against unknown person.

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 23 years of age and he was earning Rs.6,000/- per month as a labourer.

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)	Loss of dependency	Rs.11,34,000/-
(ii)	Expenses incurred on Transportation, Funeral and last rites	Rs.25,000/-
(iii)	On account of loss of love and affection to the claimants	Rs.1,00,000/-
(iv)	On account of expenses incurred on the treatment of claimants	Rs.66,600/-
	Total amount of compensation	Rs.13,25,600/-

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.

09.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No