

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No. 6280 of 2015

Date of Decision: 15.02.2018

Saroj Devi and Others

....Appellants

V/S

Balbir Singh and Others

....Respondents

**BEFORE: HON'BLE MS. JUSTICE RITU BAHRI**

Present : Ms. Manjeet Kaur, Advocate, for  
Mr. Subhash Kumar, Advocate,  
for the appellant.

Mr. Suvir Dewan, Advocate,  
for respondent No. 3.

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**RITU BAHRI, J.(Oral)**

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 6.05.2015, on account of death of Sharmila Gupta @ Sharmila Sharma in a motor vehicular accident which took place on 07.05.2013.

**FACTS NOT IN DISPUTE**

Brief facts of the case are that, on 07.05.2013 at about 2.20 PM, the deceased Sharmila Gupta @ Sharmila Sharma while riding her scooter make Honda Aviator bearing No. PB-65-T-8970 was going to Sector 17, Chandigarh along with her brother namely Subhash Kumar Gupta, who was on his motorcycle make Pulsar bearing No. CH-01-AH-0379. When deceased was about to turn on the slip road of Sector 10 on the chowk of Sector 10-11 and 15-16 all of sudden a CTU Local Bus bearing registration

No. CH01-GA-5090 came from back side at a very high speed, which was being driven in rash and negligent manner and while in the above said manner its driver tried to overtake the scooter and in that process, it hit the scooter of the deceased. As a result of this, deceased fell down and her head struck off with the bus and she suffered the head injuries, which resulted into her death at the spot. The accident was witnessed by brother of deceased namely Subhash Kumar Gupta, who was following the deceased on his separate motorcycle. It is further averred that the accident in question had taken place due to rash and negligent driving of CTU bus bearing No. CH-01GA-5090 by respondent No. 1. The matter was reported to the police. Fir No. 98 dated 07.05.2013 under Sections 279/337 and 304-A of Indian Penal Code was registered at Police Station, Sector 3, Chandigarh

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 respondent No.1. Claimants deposed that at the time of accident/death, deceased was 33 years of age and she was earning Rs. 18,000/- per month as Child Care Taker with Talwar & Talwar Consultants, office situated at Chandigarh.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. As per the law laid down in ***Sarla Verma and others vs. Delhi Transport Corporation and another***, 2009 (3) RCR (Civil) Page 77, in case of deceased's age of 32 years, multiplier of 17 would be applicable, to calculate the amount of

compensation payable to the claimants. Hence, Tribunal assessed the compensation as under:

| <i>Sr. No.</i> | <i>Heads</i>                           | <i>Calculations</i>         |
|----------------|----------------------------------------|-----------------------------|
|                | Income                                 | Rs. 1,02,700/-per annum     |
| (ii)           | ½ deducted towards personal expenses   | Rs. 1,02,700-51350=51,350/- |
| (iii)          | 50% added towards future prospects     | Rs. 51350+25675=77025/-     |
| (i)            | Multiplier of 17 applied               | 77025X17=13,09,425/-        |
| (ii)           | Loss of love and affections            | Rs. 1,50,000/-              |
| (III)          | Transportation and last rites expenses | Rs.25,000/-                 |
|                | Total Compensation                     | Rs.14,84,425/-              |

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 to be modified 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*** as in the present case, amount towards future prospects will be reduced from 50% to 40% and conventional heads will also be reduced from Rs.1,75,000/- to Rs. 70,000/-.

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.

15.02.2018  
Riya Grover

(RITU BAHRI)  
JUDGE

*Whether speaking/reasoned* *Yes*  
*Whether reportable* *No*