

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

FAO No. 547 of 2016(O&M)

Date of Decision: August 14 , 2018.

Kitabo Devi and others

..... APPELLANT (s)

Versus

Bansi Lal and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Raman Chawla, Advocate
for the appellants.

Mr. M.B.Jain, Advocate
for respondent No.3 – Insurance Company.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them vide award dated 21.08.2015 passed by the learned Motor Accident Claims Tribunal, Bhiwani (for short, the 'Tribunal').

Appellants/claimants had filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of the death of Dalbir in a motor vehicle accident which took place on 20.07.2014 due to the rash and negligent driving of the offending vehicle by respondent No.1 – Bansi Lal. FIR No.193 dated 21.07.2014 under Sections 279/304A IPC was registered against the driver of the offending vehicle. The learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to

the rash and negligent driving of offending truck bearing registration No. RJ-31-UA-2724 by respondent No.1-Bansi Lal. This finding of the learned Tribunal has not been challenged and the same thus attained finality.

The learned Tribunal has assessed the income of the deceased to be ₹8,000/- per month by considering him to be an unskilled labourer. The deceased was forty seven (47) years old at the time of the incident. Increase in income at the rate of 30% was afforded. While calculating the amount of compensation by the learned Tribunal, deduction of 1/4th on account of personal expenses was effected keeping in view the number of dependants and multiplier of 13 was applied. An amount of ₹25,000/- was afforded towards funeral expenses. The learned Tribunal awarded a total sum of ₹12,41,800/- as compensation to the claimants vide the impugned award. Aggrieved therefrom, the present appeal has been filed seeking enhancement of the amount of compensation.

Learned counsel for the appellants is unable to deny that the learned Tribunal has afforded compensation which may be in excess as per the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680.**

No ground is made out for any further enhancement in the amount of compensation so awarded by the learned Motor Accident Claims Tribunal, Bhiwani vide impugned award dated 21.08.2015.

The appeal is accordingly dismissed.

August 14 , 2018.
'om'

(LISA GILL)
JUDGE

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