

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.6060 of 2016

Date of Decision: 09.03.2018

Luxmi and Others

....Appellants

V/S

Budh Ram and Others

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Rahul Garg, Advocate,
for the appellants.

RITU BAHRI, J.(Oral)

CM NO.20542-CII of 2016

For the reasons mentioned in the application, same is allowed
and delay of 108 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,
Panchkula (hereinafter referred to as 'the Tribunal') vide award dated
14.01.2016, on account of death of Dev Singh in a motor vehicular accident
which took place on 13.07.2014.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 13.07.2014, he being a pillion
rider on motorcycle bearing registration No. CH03X3279 (for short Ill fated
Motorcycle) which was being driven by Dev Singh, since deceased, they
were going to General Hospital, Panchkula. When they reached near

Ghaggar Bridge, the offending vehicle, being driven by the respondent No. 1 came from their behind, which was being driven by him in a rash or negligent manner, hit against the ill fated motorcycle. Due to the accidental impact, the claimant and deceased along with their motorcycle fell down on the road and they suffered serious injuries. After the accident, the claimant-Nobat Ram was taken to PGI Chandigarh, where he remained admitted from 15.07.2014 to 23.07.2014 and he had incurred an amount of Rs.1,50,000/- on emergency treatment, transportation and special diet. In this regard, an FIR No. 187 dated 16.07.2014 under sections 279, 337 of IPC was registered at Police Station, Chandimandir.

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 41 years of age and he was earning Rs.10,000/- per month by work of painting.

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.8,470/-
(ii)	30% added towards future prospects	Rs.8,470+2,541=11,011/-
(iii)	1/4 th deducted towards personal expenses	Rs.11,011-2753=8258
(iv)	Multiplier applied	8258X12X14=Rs.13,87,312
(v)	Compensation towards convetional heads	Rs.50,000/-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
	Total amount of compensation	Rs.14,37,512/-

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, d. ecided on October 31, 2017.*

Accordingly, present application stands disposed of.

09.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No