

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.7097 of 2015
Date of Decision:11.05.2018

Savita and othersAppellants

Vs.

Hari Om and Anr.Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ajit Kumar Sharma, Advocate, for
Mr.R.D.Yadav, Advocate, for the appellants.

Mr.Sachin Ohri, Advocate, for respondents No.2.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the applicant/appellants (for short 'the appellants'), against award dated 16.07.2015, passed by the learned Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal') vide which compensation to the tune of Rs.15,09,000/- was awarded to the claimant on account of death of Anil in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 12.03.2013 at about 7:00 p.m., deceased Anil was coming home from his well. When he reached near Baba Bhaiya, a motor cycle bearing registration No.HR-36-L/1483 came from the opposite direction being driven in a zig zag manner at a high speed and struck him, as a result of which he sustained grievous injuries and died. A case bearing FIR No.46 under Sections 279 and 304-A of the Indian Penal Code was registered at Police Station Khol on 13.03.2013 at the instance of Rajbir Singh.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 58 years old. The factum of accident had been proved and the offending vehicle was insured with respondent No.2-Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
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1	Annual income after deducting the income tax	Rs.4,10,072/-
2.	Notional age of the deceased	46 years 3 months
3.	Notional age (Actual age of the deceased + the number of years of full last drawn salary as per Compassionate Rules	46 years 3 months +11 years 9 months=58 years.
4.	Annul dependency	Rs.3,07,554/- (¾ of the Rs.4,10,072/-
5.	Multiplier as per Sarla Verma (to be broken 2 parts if multiplier spills over the age of 58 years before + after superannuation)	9
6.	Compensation for pension period i.e. after 58 years	Rs.3,07,554/2= Rs.1,53,777/- X 9= Rs.13,83,993/-
7.	Conventional heads	Rs.1,00,000/- for consortium and Rs.25,000/- as funeral expenses i.e. total Rs.1,25,000/-
8.	Total compensation	Rs.15,09,000/- rounded off.

In view of the above calculation, compensation has been granted to the claimants/appellants just and reasonable in all counts and no modification is required in view of the judgment of Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017.** As such, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

11.05.2018
anil

Whether speaking/reasoned Yes/No