

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

FAO No. 7595 of 2015 (O&M)

Date of decision : September 25, 2018

Pooja and others

Versus

.....Appellants

Ravish and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Dinesh Mahajan, Advocate for
Mr. Narender Kaajla, Advocate
for the appellants.

LISA GILL, J.

Present appeal has been filed by the claimants for enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as the 'Tribunal') on account of death of Narender, vide award dated 23.01.2015.

Brief facts necessary for adjudication of the case are that the claimants i.e. wife, children and parents of the deceased filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Narender in a motor vehicle accident. It was averred that on 10.09.2013 Narender (deceased) was going on Hisar Delhi bye-pass on a motorcycle bearing registration No. HR-20K-8809. When he reached near GO Mes, Delhi-Hisar bye-pass, the offending car bearing registration No. HR-20W-9230, driven by respondent No. 1 in a rash, negligent and zig zag manner came from behind and hit the motorcycle. Due to this impact, Narender received serious and grievous injuries. He was shifted to General Hospital, Hisar, from where, he was further shifted to Sapra Hospital and ultimately taken to V.K. Neurocare Hospital, Model Town, Hisar, where he

succumbed to his injuries during treatment on 20.09.2013. The deceased, aged 27 years at the time of the accident was stated to be running a mobile shop, earning ₹30,000/- per month. His income Tax Return (Ex.P37) was produced on record. Compensation was, thus, claimed.

Claim petition was resisted by the respondents. Following issues were framed by the learned Tribunal:-

1. Whether the accident in question occurred due to rash and negligent driving of the offending vehicle bearing registration No. HR-20W-9230 by respondent No. 1, as alleged? OPP
2. Whether the petitioners are entitled to recover the compensation from the respondents, if so, to what extent? OPP.
3. Whether the present petition of the petitioners is not maintainable in law? OPR
4. Relief.

Learned Tribunal awarded a sum of ₹29,14,284/- with interest at the rate of 7.5% per annum from the date of filing of the claim petition till date of actual realisation of the award. Income of the deceased was assessed as ₹1,23,0000/- per annum. Increase on account of future prospects at the rate of 50% was afforded. 1/4th deduction was effected, keeping in view the number of dependants. Multiplier of 17 was applied as the deceased was 27 years old at that time. Additionally, a sum of ₹1,00,000/- on account of loss of consortium was awarded to claimant - widow besides a sum of ₹1,00,000/- on account of loss of love and affection was awarded.

Learned counsel for the appellants submits that in view of the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited versus Pranay Sethi and others 2017 (4) RCR (Civil)**

1009, there is no scope for any enhancement in the compensation already

afforded to the claimant-appellant. He has instructions to withdraw this appeal.

Dismissed as withdrawn.

September 25, 2018
rts

(Lisa Gill)
Judge

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