

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.7068 of 2016 (O&M)

Date of Decision: 12.02.2018

Kunj Lata and others

.....Appellants

Vs.

Satyawan and anothers

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sharmila Sharma, Advocate, for the appellants.

RITU BAHRI, J. (ORAL)

CM No.24283-CII of 2016

For the reasons stated in the application, delay of 272 days in filing the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 07.09.2015, passed by the learned Motor Accident Claims Tribunal, Sonapat (for short, 'the Tribunal') vide which compensation to the tune of Rs.14,15,260/- was awarded to the claimants on account of death of Jaipal son of Duli Chand in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 30.07.2012, the deceased Jaipal with one Ram Bhagwan son of Sunehra, resident of Sikenderpur Majra, Police Station Sadar Gohana had left for village Nangal Kalan from their village Sikenderpur Majra at about 12:00 noon in Tata Magic No.HR69-A-9426, which was being driven by

Gohana, Sonipat Road, a Tata 407 bearing No. HR69-A-9426 came from Sonipat side which was being driven by respondent No.2 in a rash and negligent manner and struck in the side of driver side with Tata Magic No.HR69-A-9426. The drive of Tata magic had suffered multiple injuries due to that accident which happened due to mistake of respondent No.2 as he drive the vehicle in a rash and negligent manner. With the help of some persons present there, deceased was taken out from the vehicle Tata Magic No. HR69-A-9426 and was taken to General Hospital, Gohana for treatment but he was declared dead by the Medical Officer, General Hospital, Gohana. An FIR No.86/2012 was registered in Police Station Mohana, Sonipat.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 38 years old and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Income as per minimum wages	Rs.5740/- per month
2.	Deduction 1/4th	Rs.5740/- --- Rs.1435/-= Rs.4305/-
3.	Future prospect 50%	Rs.4305/- + Rs.2152/-= Rs.6457/-
4.	Total loss of dependency After applying multiplier	Rs.6457/- X 12 X 15= Rs.11,62,260/-
5.	Loss of consortium	Rs.1,00,000/-
6.	Loss of care and guidance for minor children	Rs.1,00,000/-
7.	Transportation	Rs.3,000/-
8.	Funeral expenses	Rs.25,000/-
9.	Pain and suffering	Rs.25,000/-
	Total	Rs.14,15,260/-

In view of the above, learned Tribunal has granted the compensation very just and reasonable in all counts in view of the larger Bench judgment in the case of **National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017** and as such, no modification is required thereunder. Hence, the present appeal is dismissed

(RITU BAHRI)
JUDGE

12.02.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No