

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

FAO No.7083 of 2016 (O&M)

Date of decision: 18.01.2018

Smt. Anjuman and others

....Appellants

Versus

Saahid and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashish Gupta, Advocate,
for the appellants.

Mr. Rajneesh Malhotra, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'the Tribunal') vide award dated 08.04.2016, on account of death of Sazid in a motor vehicular accident which took place on 21.09.2014. Appellant No.1 is widow, appellant No.2 is mother and appellant Nos. 3 & 4 are children of deceased Sazid.

Brief facts of the case are that on 21.09.2014, at about 10.00 P.M, Sazid (since deceased) along with his uncle Hanif was going on foot towards his house from Javed Petrol Pump. In the meantime, a truck bearing registration No. HR-74-A-0911 being driven by Abdulla-respondent No.2 in a rash and negligent manner, came and struck against Sazid, as a result of which, he sustained serious multiple injuries and died in the way to hospital. With regard to the incident, FIR No.402/2014, under Sections 279/304-A IPC was registered at Police Station, Punhana against respondent

No.2. Consequently, the claimant-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 taken place on account of the rash and negligent driving of offending vehicle (truck) by its driver-respondent No.2 and thus, returned finding on issue No.1 in favour of the claimants. This finding was given on the basis of deposition of Hanif (PW-2), who was an eye witness of the accident and on whose statement FIR Ex.P3 was recorded. Claimants have also proved on record postmortem report of deceased as Ex.P5.

In the absence of any documentary proof, income of deceased was assessed as Rs.6000/- per month. In this amount, 50% addition has been made on account of future prospects, which came to Rs.9000/-. Out of this income, $\frac{1}{4}^{\text{th}}$ has been deducted towards personal expenses of the deceased, which came to Rs.6750/- per month. As per postmortem report Ex.P5, deceased was 23 years of age at the time of death/accident. Accordingly, multiplier of 18 was applied. After applying the multiplier of 18, dependency of claimants came to Rs.14,58,000/-. In addition to it, Rs.50,000/- were awarded on account of love and affection to parents, Rs.1,00,000/- towards loss of love and affection and guidance for minor son, Rs.1,00,000/- as loss of consortium and estate and Rs.25,000/- towards funeral expenses. Hence, the claimants were found entitled to total compensation of Rs.17,33,000/- along with interest at the rate of 7.5% per annum from the date of filing of petition till actual realization. Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. After going through the impugned Award, this Court is of the view that the compensation, on all the heads, has been rightly awarded by the Tribunal keeping in view the law prevalent at that time and no ground is made out to enhance the same. The evidence has been appreciated in the right perspective.

Resultantly, finding no merits, the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

18.01.2018
ajp

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