

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

FAO No. 1228 of 2017(O&M)

Date of Decision: September 28 , 2018.

Farmina and others

..... APPELLANT (s)

Versus

Sahoon Khan and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

LISA GILL, J.

This is an appeal preferred by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Mewat (for short, the 'Tribunal') vide impugned award dated 03.09.2016 on account of death of Issar in a motor vehicle accident.

Brief facts necessary for adjudication of the case are that, the claimants/appellants filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of the death of Issar, who lost his life in a motor vehicle accident which took place on 26.03.2015 due to the rash and negligent driving of the offending Boler jeep bearing registration No. HR-36B-9400 by respondent No.1 – Sahoon Khan. FIR No.216 dated 26.03.2015 (Ex.P1) under Sections 279/304A IPC, Police Station Nuh was lodged against respondent No.1.

The learned Tribunal awarded a total sum of ₹19,41,320/- as compensation to the claimants vide impugned award. The deceased was 23 years

old at the time of the accident. Learned Tribunal has assessed the income of the deceased to be ₹5,850/- per month. Increase in income on account of future prospects to the extent of 50% was afforded. While calculating the amount of compensation by the learned Tribunal, deduction to the extent of 1/5th was effected on account of personal expenses and multiplier of 18 was applied. ₹1,00,000/- each was awarded on account of loss of estate, loss of consortium, loss of expectation of life of the deceased and loss of love & affection, besides, ₹25,000/- towards funeral expenses.

Learned counsel for the appellants is unable to point out any evidence on record to show that the deceased was earning an income more than the assessed i.e., ₹5,850/- per month. Learned counsel for the appellants is further unable to deny that in view of the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680** and the **Magma General Insurance Company Ltd. v. Nanu Ram Alias Chuhru Ram & Ors., in Civil Appeal No.9581 of 2018 decided on 18.09.2018**, there is no scope for any further enhancement of the compensation awarded to the appellants by the learned Tribunal

No interference is called for in the impugned award dated 03.09.2016 passed by learned Motor Accident Claims Tribunal, Mewat at the instance of the appellants.

Consequently, this appeal is dismissed with no order as to cost.

September 28, 2018.
'om'

(LISA GILL)
JUDGE

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