

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2618 of 2017 (O&M)

Date of Decision: 06.03.2018

Renu Devi and others

.....Appellants

Vs.

Sandeep Kumar and ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Saurabh Dalal, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

CM No.8655-CII of 2017

For the reasons stated in the application, delay of 13 days in filing the appeal is condoned.

Application stands disposed of.

FAO No.2618 of 2017

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 27.10.2016, passed by the learned Motor Accident Claims Tribunal, Jhajjar (for short, 'the Tribunal') vide which compensation to the tune of Rs.13,41,800/- was awarded to the claimants on account of death of Satish Kumar.

FACTS NOT IN DISPUTE

On 10.10.2015 in the evening, deceased Satish Kumar and his brother-in-law Rakesh were going on their motorcycles towards village Chuliyana. Satish Kumar was driving his motorcycle bearing No.HR-14H-7563 at moderate speed and as per traffic rules and Rakesh Kumar was driving his motorcycle behind Satish Kumar. At about 8:30 P.M, when deceased Satish Kumar crossed Jakhoda by-pass and reached towards Rohtak-Sampla side then the offending vehicle i.e. tractor make Framtrac 60 bearing registration No.HR-13D-9969 along with dumper came from Rohtak-Sampla side driven by respondent No.1 on wrong side at a very high speed, in a rash and negligent manner and directly hit the motorcycle of

Satish Kumar. The deceased Satish Kumar died during shifting to hospital due to fatal injuries sustained in the accident. An FIR Ex.P1 has been recorded with regard to this accident.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was above 45 years old and the claimants failed to produce on the record any documentary evidence regarding income of the deceased but it was pleaded that deceased was a skilled driver to drive heavy transport, as such his income was taken as Rs.9000/- per month. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr.No.	Heads of compensation	Amount
1	Income per month (as skilled labourer)	Rs.9,000/- per month
2.	Future prospect 30%	Rs.9,000/- + Rs.2700/-= Rs.11,700/-
3.	Deduction 1/3rd	Rs.11,700/- --- Rs.3900/-= Rs.7800/-
4.	Annual loss of dependency after applying multiplier	Rs,7800/- X 12 X 13= Rs.12,16,800/-
5.	Losses of Love and affection, consortium and estate.	Rs.1,00,000/-
6.	Funeral expenses	Rs.25,000/-
	Total	Rs.13,41,800/-

A perusal of the above calculation shows that learned Tribunal has awarded just and reasonable compensation in all counts in view of the larger Bench judgment of the 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** and no modification is required thereunder. Hence, the present appeal is dismissed accordingly.

(RITU BAHRI)
JUDGE

06.03.2018
anil

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