IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3069 of 2017
Date of Decision: 03.04.2018

Shashi Bala and Anr. ....Appellants

Vs.

Kahana Ram and ors. ....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

Mr.Lalit Garg, Advocate, for
the respondent/Insurance Company.
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RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 17.11.2016, passed by the learned Motor Accident Claims Tribunal, SAS Nagar (Mohali) (for short, 'the Tribunal') vide which compensation to the tune of Rs.49,23,070/-was awarded to the claimants on account of death of Abhishek in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 13.02.2015, deceased Abhishek along others after attending the marriage at Sirsa, was coming back to Bhiwani by Mahindra Max bearing registration No.HR37-C-7534 being driven by one Dinesh Kumar on correct side and at moderate speed. At about 3:00/3:15 am on 13.02.2015 when they reached near BSF Camp, Sirsa Road, Hissar, at that time a canter bearing registration No.HR62-7958 being driven by respondent No. 1 rashly, negligently in zigzag manner, without using dipper at a high speed from the opposite side and hit against the vehicle in which deceased Abhishek and others were travelling. As a result of this accident Mahindra Max turned turtle on the road side and the offending Canter went off the road in the pits. All the occupants of Mahindra vehicle suffered multiple, simple and grievous injuries. Abhishek who was sitting behind the driver of Mahindra Max succumbed to the injury on the spot. An FIR Ex.P16 has been registerd with regard to this accident.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 24 years old. The claimants have produced on the record salary sleep of the deceased Abhishek Ex.015 who were working as Auditor in the Office of Principal Accountant General (Audit) at Mumbai and as per his salary sleep his monthly income has been assessed as Rs.30,235/-. 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 salary sleep Ex.P15	Rs.30,235/ X 12= Rs.3,62,820/- per annum
2.	Future prospect 50%	Rs.1,81,410/-
3.	Total income of the deceased	Rs.5,44,230/-
4.	Deduction 50%	Rs.2,72,115/-
5.	Total loss of dependency after applying the multiplier 18	Rs.2,72,115/- X 18= Rs.48,98,070/-
6.	Funeral expenses	Rs.25,000/-
	Total	Rs.49,23,070/-

In view of the above calculation, learned Tribunal has assessed just and reasonable compensation 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 no modification is required to be made thereunder. Hence, the present appeal is dismissed.

(RITU BAHRI)
JUDGE

03.04.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No