

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 1154 of 2018(O&M)

Date of Decision: September 24 , 2018.

Ritu and others APPELLANT (s)

Versus

Sunil Kumar and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. J.P.Sharma, 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, Narnaul (for short, the 'Tribunal') vide impugned award dated 01.08.2017 on account of death of Ashish 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 Ashish, who lost his life in a motor vehicle accident which took place on 22.03.2016 due to the rash and negligent driving of the offending Swift Desire car bearing registration No. HR35J-9801 by respondent No.1 – Sunil Kumar. FIR No.72 dated 23.03.2016, under Sections 279/304A IPC, Police Station Narnaul was registered against respondent No.1. The said finding of the learned Tribunal has attained finality.

The learned Tribunal awarded a total sum of ₹24,84,080/- as compensation to the claimants vide impugned award. The deceased was 20 years old at the time of the accident. Learned Tribunal has assessed the income of the deceased to be ₹9,880/- 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 1/3rd was effected on account of personal expenses and multiplier of 18 was applied. ₹1,00,000/- each was awarded to appellants No.2 and 3 on account of loss of love and affection, ₹1,00,000/- was awarded to claimant-wife towards loss of consortium, besides, ₹50,000/- towards funeral expenses.

Learned counsel for the appellants is 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**, there is not much 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 01.08.2017 passed by learned Motor Accident Claims Tribunal, Narnaul at the instance of the appellants.

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

(LISA GILL)
JUDGE

September 24 , 2018.
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No