

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1163 of 2018 (O&M)

Date of Decision: 26.04.2018

Pepsu Road Transport Corporation

.....Appellant

Vs.

Reena Rani and Another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vishal Moudgil, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

CM No.3981-CII of 2018 in FAO No.1163 of 2018

For the reasons stated in the application, delay of 18 days in filing the appeal is condoned.

Application stands disposed of.

Main Case

Present appeal has been preferred by the Pepsu Road Transport Corporation and another-appellant (for short 'the appellant'), against award dated 24.10.2017, passed by the learned Motor Accident Claims Tribunal, Sangrur (for short, 'the Tribunal') vide which compensation to the tune of Rs.20,35,347/- was awarded to the claimants on account of death of Sahil Garg son of Jiwan Kumar.

On 08.10.2016, Sahil Garg while driving an Indica Vista Car bearing No.HR-29U-7944 was going to Sangur from Dhuri. This car was being driven by him at a normal speed and on correct side of the road. Harish Kumar son of Vijay Kumar, resident of Ward No.11A, H.No.140, Shivpuri Mohalla, Dhuri and Munish Kumar son of Ashok Kumar, resident of Barnala Road, Dhuri were coming behind him in their separate Hyundai I-20 car bearing No.PB-0AD-0177 at about 3:15 p.m. when they were about 1 Km. Behind the over bridge situate at Dhuri Road, Sangrur, A PRTC bus bearing NoPB-13R-4632 driven by respondent No.1 in a rash and negligent manner came from the side of Sangrur. The offending bus while crossing the Indica Car struck against it and on account of which the car of the

deceased turned turtle on left side of the road. The bus also turned turtle on right side of the road. Due to this accident, Sahil Garg received multiple injuries and succumbed to the same on the spot. On the basis of statement suffered by Harish Kumar, FIR No.349 dated 08.10.2016 for the offence under Sections 304A/279/427 of IPC came to be registered against respondent No.1 in Police Station City Sangrur.

A copy of FIR has been exhibited as Ex.C2. After registration of FIR, challan was presented against the driver/respondent No.1 Ranjit Singh. The eye witness appeared as CW3 Harish Kumar made statement exactly on the lines of the story as set out in the claim petition. The number of offending vehicle has been mentioned in FIR Ex.C2 which fully corroborates CW3 Harish Kumar's testimony and lends further assurance to his version. The claimant had also placed on record certified copy of supardari application Ex.C10 and supardari order dated 12.10.2016 as Ex.C11 and Ex.C12, as surety bond. The postmortem report Ex.C1 also corroborated the version that accident took place on account of rash and negligence driving of respondent No.1. So, the learned Tribunal has rightly given the findings on issue No.1 and no modification is required to be made.

On the date of incident i.e.08.10.2016, the offending vehicle was owned by respondent No.2 Pepsu Road Transport Corporation and this fact is evident from the copy of RC Ex.D2 of the offending vehicle which has been placed on the file. Therefore, findings on issued No.1 has been rightly given and compensation has been assessed by taking the annual income of the deceased as per income tax returns for the period of 2015-16 i.e. Ex.C7. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Annual income	Rs.2,18,170/-
2.	Deduction 50%	Rs.2,18,170/- --- 01,09,085.5/-= Rs.1,09,085/-
3.	Future prospect 30%	Rs.1,09,085/- ---- Rs.32,725.5/-= Rs.1,41,810.5/-
4.	After applying multiplier	Rs.1,41,810.5 X 14= Rs.19,85,347/-
5.	Funeral expenses	Rs.25,000/-
6.	Loss of estate	Rs.25,000/-
	Total	Rs.20,35,347/-

A perusal of the calculation shows that compensation has been rightly assessed and no modification is required to be made. The appeal is dismissed accordingly.

(RITU BAHRI)
JUDGE

26.04.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No