

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.4188 of 2017  
Date of Decision: 06.03.2018

Pushpa Devi

.....Appellant

Vs.

Gurnam Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present:-** Mr.Vipin Mahajan, Advocate, for the appellant.

Mr.Vinod Gupta, Advocate, for the respondent/Insurance Co.

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**RITU BAHRI, J. (ORAL)**

**CM No.13229-CII of 2017**

For the reasons stated in the application, delay of 372 days in filing the appeal is condoned.

Application stands disposed of.

**Main Case**

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 06.01.2016, passed by the learned Motor Accident Claims Tribunal, Gurdaspur (for short, 'the Tribunal') vide which compensation to the tune of Rs.11,44,360/- was awarded to the claimants on account of death of Amit Kumar.

**FACTS NOT IN DISPUTE**

On 27.01.2012, deceased Amit Kumar while sitting as pillion rider on the motorcycle bearing No.PB-06-G-4587, driven by his friend Pawan Kumar were going from Gurdaspur to Jammu. When they reached at Village Chandwal, near Tarawah Bridge, Tehsil Hira Nagar, District Kathua, at about 10:45 pm at that time, one Truck bearing Registration No.HP-38-B-0776 driven by respondent No.1 in a rash and negligent manner came from Madhopur side and struck the motorcycle of Pawan Kumar. Due to accident, Pawan Kumar and Amit Kumar received multiple grievous injuries. Both the injured were taken to the Govt. Hospital Hira Wagah,

where Amit Kumar was declared dead. An FIR bearing No.21 dated 28.01.2012 under Sections 279/337/304-A IPC was registered.

**COMPENSATION ASSESSED BY MACT**

The Tribunal held that the deceased was 28 years old and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. 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 minimum wages)                 | Rs.5200/- per month                       |
| 2.     | Annual loss of dependency                           | Rs.5200/- X 12= Rs.62,400/-               |
| 3.     | Future prospect 30%                                 | Rs.62400/- + Rs.18720/-=<br>Rs.81,120/-   |
| 4.     | Deduction 1/3rd                                     | Rs.81,120/- --- Rs.27040/-=<br>Rs.54080/- |
| 4.     | Annual loss of dependency after applying multiplier | Rs.54080/- X 17= Rs.09,19,360/-           |
| 5.     | Love and affection                                  | Rs.1,00,000/-                             |
| 6.     | Loss of Consortium                                  | Rs.1,00,000/-                             |
| 7.     | Funeral expenses                                    | Rs.25,000/-                               |
|        | Total                                               | Rs.11,44,360/-                            |

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 in the compensation part. Hence, the present appeal is dismissed accordingly.

**(RITU BAHRI)**  
**JUDGE**

**06.03.2018**  
*anil*

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