

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4648 of 2017
Date of Decision: 01.02.2018

Ravina and others

.....Appellants

Vs.

Rakesh Kumar and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.A.P.Singh, Advocate, for
Mr.S.S.Khurana the appellants.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 06.12.2016, passed by the learned Motor Accident Claims Tribunal, Gurgaon (for short, 'the Tribunal') vide which compensation to the tune of Rs.20,48,000/- was awarded to the claimants on account of death of Jitender in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 12.02.2016, Manish brother of deceased Jitender went Kulana Warehouse for some work where the deceased was working. From there, both of them started for their home on separate motorcycles. The deceased was riding his motorcycle No.HR-76B-8354, Bajaj Discover. At about 3:00 pm., when they reached village Luhari near Rajbaha, the offending container bearing registration No.HR-55P-1710, driven by its driver in a fast speed, rash and negligent manner came from back side and crushed the deceased, resulting into his death at the spot. A case bearing FIR No.90 dated 13.02.2016 was registered under Sections 279/304A/337 IPC has been registered.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 21 years old and the claimants have produced on the record salary record i.e. Ex.P10 i.e. 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. The compensation has been assessed by the learned Tribunal as under:

Sr.No.	Heads of compensation	Amount
1	Salary as per Ex.P10	Rs.7500/- per month
2.	Future prospect 50%	Rs.3750/-
3.	Deduction 1/4th	Rs.2,812/-
4.	Multiplicant (annualized)	Rs.1,01,256/-(Rs.8438 X 12)
5.	Multiplier	18
6.	Loss of dependency	Rs.18,22,608/-
7.	Loss of consortium	Rs.1,00,000/-
8.	Loss of love and affection for claimants No.2 to 5.	Rs.1,00,000/-
9.	Funeral expenses	Rs.25,000/-
	Total	Rs.20,47,608/- rounded off Rs.20,48,000/-

In view of the above, the learned Tribunal has given compensation just and reasonable in all counts 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 not modification is required thereunder. Hence, the present appeal is dismissed as such.

(RITU BAHRI)
JUDGE

01.02.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No