

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

FAO No. 5791 of 2017(O&M)

Date of Decision: August 09 , 2018.

Jagtar Singh and another

..... APPELLANT (s)

Versus

Parveen Kumar and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajbir Singh, Advocate
for the appellants.

Mr. R.C.Kapoor, Advocate and
Mr. Vinod Mahendru, Advocate
for respondent No.2 – Insurance Company.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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, Sangrur (for short, the 'Tribunal') vide impugned award dated 17.01.2017 on account of death of Jeet Singh in a motor vehicle accident. The claimants are son and widow of the deceased.

Brief facts necessary for adjudication of the case are that, the claimants/appellants filed a petition under Section 166 of the Motor Vehicles Act

(for short, the 'Act') seeking compensation on account of the death of Jeet Singh, who lost his life in a motor vehicle accident which took place on 24.03.2016 due to the rash and negligent driving of the offending car bearing registration No. PB-13AD-0136 by respondent No.1 – Parveen Kumar. FIR No.0034 dated 25.03.2016 under Sections 279/427/304A IPC was registered against the driver of the truck at Police Station Moonak. The finding of the learned Tribunal on this issue has attained finality.

The learned Tribunal awarded a sum of ₹8,75,000/- as compensation to the claimants vide impugned award dated 17.01.2017. The deceased was 60 years old at the relevant time and he was stated to be an agriculturist. After taking into consideration the facts and circumstances of the case, the learned Tribunal has assessed the notional income of the deceased to be ₹10,000/- per month considering his managerial/supervisory skills. While calculating the amount of compensation by the learned Tribunal, deduction of 1/3rd on account of personal expenses was effected keeping in view the number of dependants and multiplier of 9 was applied. ₹1,00,000/- was awarded to the claimant-wife on account of loss of consortium. ₹30,000/- each were awarded by the learned Tribunal to the claimant-son towards loss of love and affection as well as loss of estate to the claimants.

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 no scope for enhancement of the compensation awarded to the appellants.

Learned counsel is unable to point out any illegality, infirmity or

perversity in the impugned award dated 17.01.2017 passed by learned Motor Accident Claims Tribunal, Sangrur which warrants interference by this Court.

Consequently, this appeal is dismissed.

August 09 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No