

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**FAO No.6190 of 2017
Date of Decision: 08.03.2018**

Balwinder Kaur and another

.....Appellants

Vs.

Harpreet Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vishwajit Bedi, Advocate, for the appellants.

Mr.Lalit Garg, Advocate, for
the respondent/Insurance Company.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 07.11.2016, passed by the learned Motor Accident Claims Tribunal, SAS Nagar Mohali (for short, 'the Tribunal') vide which compensation to the tune of Rs.9,35,000/- was awarded to the claimants on account of death of Prem Singh.

FACTS NOT IN DISPUTE

On 10.05.2014, deceased Prem Singh along with his brother, Harmit Singh, was coming from Village Ucha Pind Sangol towards their Village Polemajra via colony road/godown link road on separate bicycle. Prem Singh was going ahead of Harmit Singh. At about 7:30 pm, when they reached on Ludhiana-Chandigarh G.T.Road, Prem Singh crossed the road and went towards the opposite side of the road as his house was situated at Village Polemajra on left side of the road. In the meantime, a motor cycle No.PB-23H-2976 came from opposite side i.e.Morinda side, which was being driven by its driver i.e. Respondent No.1 rashly and negligently without blowing horn and while overtaking another vehicle struck his motorcycle with the bicycle of Prem Singh after coming on wrong side of the road. Due to this impact, he fell down on the road and received multiple injuries on head and other parties of the body and he was taken to Civil

Hospital, Khamano, where, he succumbed to the injuries. A case DDR No.11.05.2014 registered at Police Post, Sangol, Khamano.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was around 53 years years old and the claimants had not produced any proof with regard to the 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	Rs.8,000/- per month
2.	Future prospect 15%	Rs.8,000/- + Rs.1200/-= Rs.9200/-
3.	Annual loss of dependency	Rs.9,200/- X12= Rs.1,10,400/-
4.	Dependency 1/3rd.	Rs.1,10,400/- ---- Rs.36,800/-= Rs.73,600/-
5.	Total loss of dependency after applying multiplier	Rs.73,600/- X 11= Rs.8,09,600/-
6.	Love and affection	Rs.1,00,000/-
7.	Last rites	Rs.25,000/-
	Total	Rs.9,34,600/- rounded off Rs.9,35,000/-

A perusal of the above calculation, learned Tribunal has granted compensation just and proper 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 no modification is required to be made. Hence, the present appeal is dismissed accordingly.

(RITU BAHRI)
JUDGE

08.03.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No