

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

FAO No. 7468 of 2017(O&M)

Date of Decision: August 14 , 2018.

Sushma and others

..... APPELLANT (s)

Versus

Sanjeev Sharma and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

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.

CM No.24822-CII of 2017

There is a delay of 13 days in filing of the appeal.

For the reasons mentioned in the application as well as arguments addressed, delay of 13 days in filing of the appeal is condoned.

Application is allowed.

FAO No.7468 of 2017

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them vide award dated 06.02.2017 passed by the

learned Motor Accident Claims Tribunal, Karnal (for short, the 'Tribunal').

Appellants/claimants had filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of the death of Bablu in a motor vehicle accident which took place on 21.04.2014 due to the rash and negligent driving of the offending vehicle by respondent No.1 – Sanjeev Sharma. FIR No.176 dated 22.04.2014 under Sections 337/279/304A IPC, Police Station Madhuban was registered against the said driver of the offending vehicle. The learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of offending truck bearing registration No. HR-65-5078 by respondent No.1- Sanjeev Sharma. This finding of the learned Tribunal has not been challenged and the same thus attained finality.

The learned Tribunal has assessed income of the deceased to be ₹8,100/- per month by holding him to be an unskilled labourer. Increase in income at the rate of 50% was afforded. While calculating the amount of compensation by the learned Tribunal, deduction of 1/4th on account of personal expenses was effected keeping in view the number of dependants and multiplier of 18 was applied as per the decision of the Hon'ble Supreme Court in Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77. ₹1,00,000/- were afforded towards loss of consortium to claimant-wife as well as loss of estate. ₹25,000/- each were afforded to the minor children on account of loss of love and affection. Further, ₹25,000/- were afforded to the claimants on account of funeral expenses. The learned Tribunal awarded a total sum of ₹23,43,192/- as compensation to the claimants vide the impugned award.

Aggrieved therefrom, the present appeal has been filed seeking enhancement of the amount of compensation.

Learned counsel for the appellants is unable to deny that the learned Tribunal has afforded compensation which may be in excess as per the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680.**

No ground is made out for any further enhancement in the amount of compensation so awarded by the learned Motor Accident Claims Tribunal, Karnal vide impugned award dated 06.02.2017.

The appeal is accordingly dismissed.

August 14 , 2018.
'om'

(LISA GILL)
JUDGE

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