

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.7768 of 2017

Date of Decision: 26.03.2018

Savitro Devi and Others

....Appellants

V/S

Avtar Singh and Others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. S. K. Chaudhary, Advocate,
for the appellants.

RITU BAHRI, J.(Oral)

CM No.25615-CII of 2017

For the reasons mentioned in the application, same is allowed
and delay of 107 days in filing the appeal is condoned.

Accordingly, present application stands disposed of.

Main Case

This appeal has been filed by the claimant-appellants seeking
enhancement of compensation awarded by Motor Accident Claims Tribunal,
Pathankot (hereinafter referred to as 'the Tribunal') vide award dated
15.02.2017, on account of death of Karam Chand in a motor vehicular
accident which took place on 31.01.2016.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 31.01.2016, Karam Chand,
since deceased, along with his friend was returning to his house at Village
Dhandari Kalan, where the deceased was residing due to his employment at

Ludhiana. Ramesh Kumar was at some distance from the deceased and at about 2 PM when they were crossing G. T. Road, one Mahindra XUV 500 bearing No. PB-02-CF-6039, being driven by the respondent No.1 in a very high speed, rashly and negligently without blowing horn, came from Ludhiana side and hit the deceased Karam Chand resulting which the deceased fell on the road and got serious injuries including head injury and the deceased died on the spot. Respondent No. 1 fled away from the spot alongwith the offending vehicle. Ramesh Kumar noted down the number of the offending vehicle was Mahindra XUV 500 PB-02-CF-6039. On inquiry, the names/addresses of respondents came in the knowledge of the applicants/claimants. The accident was caused due to rash and negligent driving of respondent No.1. In this regard, an FIR No. 34 dated 31.01.2016 under Sections 279/304A IPC was registered against the unknown driver at Police Station Focal Point, Ludhiana, on the statement of Ramesh Kumar.

Consequently, claimants-appellants filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had been caused on account of negligent driving of offending vehicle by driver. Claimants deposed that at the time of accident/death, deceased was 58 years of age at and he was working in a private company at Ludhiana and he was earning Rs.12,000/- per month.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. As per the prevalent law at that time, Tribunal assessed the compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.6,000/-
(ii)	1/4 th deducted towards personal expenses	Rs.6000-1500=4,500/-
(iv)	Multiplier applied	Rs.4500X12X9=4,86,000/-
(v)	Compensation towards loss of love and affection	Rs.1,00,000/-
(vi)	Compnesation towards funeral expenses	Rs.25,000/-
	Total compensation	Rs.6,11,000/-

Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

In the present appeal parties are not in dispute with the findings of issue no. 1 that accident took place due to the sole rash and negligent driving of respondent No. 1.

I have heard learned counsel for the parties and perused the record.

A perusal of the award shows that, compensation awarded by the Tribunal do not required any modification keeping in view the ratio laid down in the judgment of Hon'ble Supreme Court in case *National Insurance Company Ltd vs. Pranay Sethi and others, passed in Spl Leave Petition (Civil) No. 25590 of 2014, decided on October 31, 2017.*

Hence, the impugned Award, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

26.03.2018
Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No