

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.837 of 2017 (O&M)
Date of decision:29.10.2018.

Sapna and others

...Appellants

Versus

Jodha Singh and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Pankaj Mehta, Advocate for the appellants.

LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Hisar ('Tribunal' for short) vide award dated 25.01.2016 on account of death of Mohan alias Hari Mohan in a motor vehicle accident on 17.03.2014.

The claimants, who are the wife and children of the deceased, filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Mohan alias Hari Mohan due to injuries received in a motor vehicle accident which took place on 17.03.2014. FIR No.75 dated 18.03.2014 was registered under Sections 279, 304-A and 337 IPC at Police Station Sadar Julana against respondent No.1. It was pleaded that the deceased at the time of his death was working as a skilled flex board printer, earning Rs.25,000/- per month. He was 28 years old at the time of accident. Compensation was thus prayed for.

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 the offending vehicle by its driver. There is no dispute regarding the above said finding of the learned Tribunal on this issue, which has attained finality.

Learned Tribunal concluded the deceased to be 28 years old at the time of his death and assessed his monthly income as Rs.5547/- per month. 50% increment in income was afforded on account of future prospects. Thus, total income of the deceased was assessed as Rs.8320/- per month. Deduction of 1/5th was effected towards the personal expenses keeping in view the number of dependents. After applying a multiplier of 17, total dependency was assessed at Rs.13,57,900/-. A sum of Rs.1,00,000/- was awarded to claimant No.1-wife towards loss of consortium. Another sum of Rs.1,00,000/- each was awarded to claimants No.1 and 2 towards loss of love and affection. A sum of Rs.50,000/- each was awarded to proforma respondents/parents towards loss of love and affection. Another sum of Rs.25,000/- was awarded on account of expenses incurred on transportation of dead body and on the last rites of the deceased. Thus, claimants were held entitled for total compensation of Rs.17,82,900/-along with interest @ 7.5% per annum from the date of filing of claim petition till realisation.

Heard learned counsel for the appellants.

There is no evidence on record to indicate the deceased to be earning an income over and above the income assessed by the learned Tribunal. The deceased was claimed to be working as a flex board printer but it is fairly stated by learned counsel for the appellants that there is no specific

evidence to prove the same. Neither is there any indication of the exact income earned by the deceased.

Learned counsel for the appellants is unable to point out any ground for any enhancement of the compensation awarded to the appellants especially keeping in view the judgments of Hon'ble the Supreme Court in National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009 and Magma General Insurance Company Ltd. Vs. Nanu Ram alias Chuhru Ram and others, in Civil Appeal No.9581 of 2018 decided on 18.09.2018.

Keeping in view the facts and circumstances as narrated above, I do not find any ground whatsoever to interfere in the impugned award dated 25.01.2016 in this appeal preferred by the claimants.

No other argument has been raised.

Appeal is accordingly dismissed with no order as to costs.

(LISA GILL)
JUDGE

October 29, 2018
Ishwar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No