

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

**FAO No.585 of 2018
Date of Decision: 21.04.2018**

Nisha and Anr

....Appellants

V/S

G. M. Haryana Roadways and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Ashit Malik, Advocate,
for the appellants.

RITU BAHRI, J.(Oral)

This appeal has been filed by the claimant-appellant(s) seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') vide award dated 07.10.2017, on account of death of Rakesh in a motor vehicular accident which took place on 21.07.2016.

FACTS NOT IN DISPUTE

Brief facts of the case are that, on 21.07.2016, Rakesh, since deceased, alongwith Sunil were going to the shop of Rakesh situated at Kaimla Road, Gharaunda, on their separate motor cycles and when they reached near bus stand Gharaunda, in the meantime a bus bearing registration No. HR-63C-5299 (herein after referred to as the 'Offending Vehicle') which was being driven in a rash and negligent manner, came from wrong side and struck his bus with motorcycle of Rakesh. Due to the impact of the accident, deceased fell down on the road and received serious and grievous injuries on various parts of his body including head and succumbed to the injuries at the spot. In this regard, an FIR No. 389 dated 21.07.2016, under Sections 279/304A IPC was registered against

respondent No.1 at Police Station, Gharaunda District Karnal.

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 32 years of age and also stated that deceased Rakesh was earning Rs.30,000/- per month as he was a mechanic in the name and style of Vikas Motor Grage, G. T. Road Gharaunda.

This finding was rightly given on the basis of FIR, and others documentary evidence led by the claimants. In absence of salary certificate Tribunal assess the income of the deceased at Rs.10,000/- per month as a skilled labourer. As the deceased was 32 years of age at the time of accident, therefore, relying upon the law laid down in **Smt. Sarla Verma and Others versus Delhi Transport Corporation and Anr, 2009(3) RCR 77,** multiplier of 16 has to be applied. As per prevalent law at that time, Tribunal assessed the compensation as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.10,000/- per month (Rs.1,20,000/- per annum)
(ii)	50% to be added as future prospects i.e. 3333/-(5000-1666(1/3 rd)X12X16=Rs.6,39,836/-	Rs. 6,39,936/-
(iii)	1/3 rd to be deducted as personal expenses of the deceased	Rs. 1,20,000X1/3 rd =40,000/- 1,20,000-40,000=Rs.80,000/- Per Annum
(iv)	Multiplier applied	Rs.80,000X16=12,80,000/-
(v)	Compensation towards loss consortium	Rs.1,00,000/-
(vi)	Compensation towards loss of love, care and guidance for minor children	Rs.1,00,000/-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(vii)	Compensation towards transporation and funeral expenses	Rs.25,000/-
	Total amount of compensation(ii+iv+v+vi)	Rs.21,44,936/-

Feeling dissatisfied with the impugned award, the claimant-appellant has 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 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, Tribunal took income of the deceased on right side which do not required any interference by this Court and also in other heads of 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.*

Accordingly, present appeal stands dismissed.

21.04.2018

Riya Grover

(RITU BAHRI)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No