

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

FAO No.4549 of 2019 (O&M)

Date of decision: 14.08.2019

IFFCO TOKIO General Insurance Company Ltd.

....Appellant

Versus

Smt. Asha Devi and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None.

RITU BAHRI J. (Oral)

IFFCO TOKIO General Insurance Company Ltd.-appellant has filed this appeal against the award dated 11.04.2019 passed by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal') whereby compensation of Rs.20,31,219/- has been awarded in favour of the claimants-respondent Nos. 1 to 5 on account of death of Jagdeo Singh in a motor vehicular accident which took place on 11.03.2018. Respondent No. 1 is widow, respondent Nos. 2 to 4 are children and respondent No.5 is mother of deceased Jagdeo Singh.

A perusal of the impugned award shows that finding on issue No.1 has been rightly given in favour of the claimants to the effect that the accident in question had taken place on account of rash and negligent driving of the offending vehicle by its driver-Krishan Kumar (respondent No.6 herein). This finding was given on the basis of deposition of Krishan Kumar (PW-3), who was an eye witness of the accident. Further, the claimants have proved on record copy of FIR Ex.P28, report under Section

hand, driver of the offending vehicle did not step into the witness box to prove his case. In the absence of any documentary proof, income of the deceased was assessed as Rs.11,000/- per month. In this income, an addition of 25% was made as future prospects. By doing so, total income of deceased came to Rs.13,750/- per month (Rs.11,000 + 2750) i.e. Rs.1,65,000/- per annum. Out of this income, 1/4th amount was deducted towards personal expenses of the deceased. The dependency of claimants, thus, came to Rs.1,23,750/- per annum. As per postmortem report Ex.P32, deceased was 42 years of age at the time of death/accident, therefore, multiplier of 14 was applied. After applying the multiplier of 14, dependency of claimants came to Rs.17,32,500/- (1,23,750 x 14). Besides this, claimants were awarded Rs.15,000/- on account of funeral expenses, Rs.15,000/- as loss of estate, Rs.40,000/- to claimant No.1-widow on account of loss of consortium and Rs.2,28,719/- on account of medical treatment/expenses. Hence, claimants were found entitled to a total compensation of Rs.20,31,219/- along with interest at the rate of 7.5% per annum from the date of filing the claim petition till realization. After going through the impugned award, this Court is of the view that the compensation has been rightly awarded in favour of the claimants (respondent Nos. 1 & 5) and no ground is made out to interfere therein. The evidence has been appreciated in the right perspective.

Resultantly, finding no merits, the present appeal is dismissed.

(RITU BAHRI)
JUDGE

14.08.2019
ajp

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