

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

F.A.O. No. 10163 of 2014

DATE OF DECISION :- October 03, 2019

Suraj Mukhi and others

...Appellants

Versus

Satya Narain and another

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. K.S. Dhanora, Advocate for the appellants.

Mr. Rajesh Kumar Sharma, Advocate
for Mr. M.B. Jain, Advocate
for respondent No. 2-Insurance Company..

Briefly stated facts of the case are that on account of death of Satbir Singh, in a motor vehicular accident, which took place on 16.4.2011 at about 8.00 P.M., in the area of 2-2½ kilometer away from village Satrod towards village Bado Patti, statedly on account of rash and negligent driving of Maruti Car bearing registration No. DL-2CV/9540 by respondent No. 1 Satya Narain, legal representatives of the deceased namely his widow Suraj Mukhi, aged about 40 years, daughter Sita Devi, minor sons Rajvir and Rajinder aged about 15 years and 16 years respectively and Smt. Kesar Devi-mother, aged about 80 years had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against respondents i.e. Satya Narain-owner and driver and Shri Ram General Insurance Co. Ltd, Jaipur, Rajasthan-insurer of Maruti Car bearing registration No. DL-2CV/9540 (hereinafter referred to as the offending

Car), claiming compensation to the tune of Rs.50 lacs.

On getting notice both the respondents had appeared and contested the claim petition. On conclusion of trial the Motor Accident Claims Tribunal, Hisar vide Award dated 24.10.2013 accepted the claim petition and awarded compensation of Rs.28,39,077/- to the claimants payable by both the respondents jointly and severally with interest at the rate of 7% per annum from the date of filing of the claim petition till actual realization.

Still feeling dissatisfied with the amount of compensation awarded to them, the claimants have filed an appeal before this Court, notice of which was given to respondent No. 2-Insurance company, which has put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

The Motor Accident Claims, Tribunal, Hisar (hereinafter referred to as 'The Tribunal') in view of the evidence brought before it had returned a finding that respondent No. 1 Satya Narain was author of the accident by his rash and negligent driving of offending Maruti Car in which Satbir Singh lost his life. The finding is proper and appropriate and does not call for any interference. For the said reason Satya Narain being owner as well as driver of Maruti Car in question and Shri Ram General Insurance Co. Ltd., Jaipur, Rajasthan with which the Car in question was insured at the relevant time were held to be liable jointly and severally to pay the amount of compensation. While determining the quantum of compensation, the Tribunal has taken the age of the deceased to be 45 years, his avocation as a

Beldar and monthly income as Rs.15024/- and addition of 30% was made on account of future prospects. 1/4th of the amount was deducted towards personal and living expenses of the deceased and multiplier of 13 was applied. Rs.25,000/- has been has been awarded under conventional Heads making a total compensation of Rs.28,39,077/-.

The Tribunal has been quite liberal with the claimants in the matter of granting compensation. There is absolutely no scope for enhancement of the same, therefore, the appeal stands dismissed.

(H.S. MADAAN)
JUDGE

October 03, 2019

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No