

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 233

FAO-1085-2014

Date of decision : 11.03.2019

Naib Kaur and others

..... Appellants

VERSUS

Hans Raj and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gaurav Sethi, Advocate, for the appellants.

None for respondent No. 1.

Mr. Neeraj Khanna, Advocate, for respondent No. 2.

DEEPAK SIBAL, J. (ORAL)

The instant appeal has been preferred by the appellants/claimants seeking therein enhancement in the compensation awarded to them through the award dated 02.11.2013, passed by the Motor Accident Claims Tribunal, Ambala (for short, the Tribunal).

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 28.02.2011 Kaka Ram (since deceased) was going to his village Dukheri in a three wheeler bearing registration No.HR-37C-2436. At about 7 PM when the three wheeler reached ahead of house of Tara Mittal on Dukheri road, a blue bull suddenly came in front of the three wheeler resulting in an accident in which Kaka Ram received multiple injuries to which he succumbed in PGIMER, Chandigarh. A claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short, the Act) was preferred by the appellants before the Tribunal which after concluding that Kaka Ram had died due to the aforesaid accident, assessed the payable compensation under Section 163-A of the Act.

While relying on the recent pronouncement by the Hon'ble Supreme Court in "*National Insurance Company Limited vs. Pranay Sethi and others*" (2017) 16 SCC 680, learned counsel for the appellants submits that a cumulative sum of ₹70,000/- under the conventional heads of "loss of love and affection", "loss of consortium" and "funeral expenses" as also "future prospects" @ 25% be granted to the appellants on the assessed income of the deceased.

Pranay Sethi's case (supra) is not applicable to the facts of the present case as that case was decided on a claim petition preferred under Section 166 of the Act unlike the claim petition in the present case filed under Section 163-A of the Act. It is not the case of the appellants that the compensation awarded to them is lower than the compensation so provided in the Second Schedule read with Section 163-A of the Act (as applicable on the date of the accident in question).

That being so, there is no merit in the present appeal and accordingly, the same is dismissed.

No costs.

11.03.2019
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[DEEPAK SIBAL]
JUDGE

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