

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 1784 of 2014(O&M)

Date of Decision: February 11 , 2019.

Punjab State Bus Management Co. Pvt. Ltd. and another

..... APPELLANT (s)

Versus

Rashmi Loomba and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Anju Sharma Kaushik, DAG, Punjab
for the appellants.

Mr. Yogesh Saini, Advocate for
Mr. Bhoop Singh, Advocate
for respondents No.1 to 5/claimants.

LISA GILL, J.

CM No.6155-CII of 2014

There is a delay of 17 days in filing of the appeal.

For the reasons mentioned in the application, duly supported by an affidavit of the applicant, as well as arguments addressed, delay of 17 days in filing of the appeal is condoned.

Application is disposed of.

FAO No.1784 of 2014(O&M)

This appeal has been filed by the Punjab State Bus Management Company Private Limited and Punjab Roadways challenging the quantum of

compensation to the claimants/respondents No.1 to 5 by the learned Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as, the 'Tribunal') vide impugned award dated 23.10.2013.

Brief facts necessary for the adjudication of the case are that, the claimants/respondents No.1 to 5 filed a petition under Section 166 of the Motor Vehicles Act, 1988 as amended upto date (hereinafter referred to as the 'Act') seeking compensation on account of death of Amrish Loomba. In the claim petition, it is mentioned that Amrish Loomba (deceased) was working as Excise Inspector in the Department of Excise & Taxation, Ludhiana. He lost his life in a motor vehicle accident which took place on 17.10.2012 due to the rash and negligent driving of bus bearing No. PB-46H-9703 by respondent No.6-Swaran Singh. FIR No.226 dated 17.10.2012, under Sections 279/427/304A IPC (Ex.P1) was registered at Police Station Dakha against the driver of the offending vehicle.

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 dumper bearing registration No.PB-46H-9703 by respondent No.6-Swaran Singh. There is no challenge to this finding of the learned Tribunal.

Learned Tribunal while noting that Amrish Loomba (deceased) was in receipt of salary of ₹30,675/- per month as per salary certificate, which was duly proved on record as Ex.PW3/A, awarded a total sum of ₹45,36,200/-. Deduction was effected to the extent of 1/4th towards personal expenses and multiplier of 16 was applied. ₹1,00,000/- was awarded to the claimant-widow on account of loss of consortium, besides, ₹25,000/- towards funeral expenses.

Learned counsel for the appellants submits that as the claimant-

widow was herself employed, deduction of 1/4th has been incorrectly effected. Deduction to the extent of 50% should have been effected in this case. Moreover, compensation under the conventional heads is excessive which should be reduced. It is thus prayed that this appeal be allowed and the impugned award be set aside.

Learned counsel for respondents No.1 to 5 refutes the abovesaid averments. It is submitted that just and reasonable compensation has been awarded, which calls for no interference. Dismissal of the appeal is prayed for.

I have heard learned counsel for the parties and have gone through the record of this case.

As mentioned in the foregoing paras, there is no dispute regarding the death of Amrish Loomba in a motor vehicle accident which took place on 17.10.2012 due to the rash and negligent driving of bus No.PB-46H-9703 by respondent No.6-Swaran Singh. Neither is there a dispute regarding liability of the appellants. Deceased was admittedly 34 years old at the time of the accident and was working as an Excise Inspector in the Department of Excise and Taxation, Ludhiana. It is a matter of record that he was earning a monthly salary of ₹30,675/- per month. In terms of the judgment of the Hon'ble Supreme Court in National Insurance Company Limited v. Pranay Sethi and others, 2017 (16) SCC 680, the claimants would have been entitled to 50% increment on account of future prospects, however, there is no appeal or cross-objections by the claimants. Question of reduction in the amount of compensation on the plea raised by learned counsel for the appellants is entirely academic as deductions even if permissible and any reduction in the amount of compensation, even if

made out would have been off-set due to the increment on account of future prospects. Therefore, I do not find any ground whatsoever to interfere in the quantum of compensation awarded by the learned Tribunal to the claimants.

No other argument has been raised.

Keeping in view the facts and circumstances as above, there is no illegality, infirmity or perversity in the impugned award dated 23.10.2013 passed by the learned Motor Accident Claims Tribunal, Ludhiana which warrants interference by this Court at the instance of the appellants.

Appeal is accordingly dismissed, with no order as to cost.

February 11 , 2019.
'om'

(**LISA GILL**)
JUDGE

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