

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

FAO No.1139 of 2016 (O&M)

Date of decision: 28.08.2019

Sunita and others

....Appellants

Versus

Amarjeet and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Monika Singh, Advocate,
for Mr. Amit Kumar Jain, Advocate,
for the appellant.

Mr. Punit Jain, Advocate,
for respondent No.2-IFFCO-TOKIO General Insurance Co.

RITU BAHRI J. (Oral)

CM No.3490-CII of 2016

For the reasons mentioned in the application, same is allowed
and delay of 07 days in filing of the appeal is condoned.

FAO No.1139 of 2016

This appeal has been filed by the claimant-appellants seeking
enhancement of compensation awarded by Motor Accident Claims Tribunal,
Jind (hereinafter referred to as 'the Tribunal') vide award dated 08.10.2015
on account of death of Satpal @ Satpal Singh in a motor vehicular accident
which took place on 05.05.2014. Appellant No.1 is widow, appellant Nos.2
& 3 are sons and appellant Nos.4 & 5 are parents of deceased Satpal @
Satpal Singh.

FACTS NOT IN DISPUTE

deceased), who was driver on container No. HR-56-A-5822, started his journey from Zirakpur for Indore in order to deliver the loaded goods in his vehicle. On 06.05.2014, at about 11.00 P.M., when he reached near bus stand of Bijorawas, his vehicle collided with another vehicle i.e. Tata 1109 bearing registration No. HR-66-8772, which was being driven by Rakesh son of Goda Ram, resident of village Kojinda, Police Station Narnaul. Due to this accident, Satpal received multiple grievous injuries on his person and died at the spot. With regard to the incident, FIR No.339 dated 07.05.2014, under Sections 279/337/338/304-A IPC was registered at Police Station, Bahrar, District Alwar. Consequently, the claimant-appellants filed a claim petition under Section 163-A of the Motor Vehicle Act before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that Satpal @ Satpal Singh had died in the accident arising out of head-on collision between the aforesaid container and LPT Tata 1109 vehicle. The container vehicle bearing registration No. HR-56-A-5822 was being driven by deceased himself and owner by respondent No.3. This finding was rightly given on the basis of deposition of Smt. Sunita (PW-1).

On the basis of evidence on record, income of the deceased was assessed as Rs.3300/- per month i.e. Rs.39,600/- per annum, out of which, one-fourth amount was deducted towards his personal expenses. By doing so, the total income of deceased came to Rs.29,700/- per annum. Deceased was 27 years of age at the time of death/accident. Accordingly, multiplier of 17 was applied. After applying the multiplier of 17, dependency of claimant came to Rs.5,04,900/- (29,700 x 17). In addition to it, Rs.2000/- were awarded towards funeral expenses and Rs.2500/- on account of loss of

estate. Hence, the claimants were found entitled to total compensation of Rs.5,09,400/- along with interest @ 8% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

Learned counsel for the appellants has argued that benefit of future prospects has not been given to the claimants.

I have heard learned counsel for the appellant and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. Parties are not in dispute with respect to the finding given by Tribunal on issue No.1. Argument of learned counsel for the appellants that benefit of future prospects has not been granted, is liable to be rejected as this benefit is not admissible in a claim petition under Section 163-A of the Motor Vehicle Act. Moreover, going through the impugned award, this Court is of the view that income of the deceased has been rightly assessed by the Tribunal. Even, the multiplier has been rightly applied keeping in view the age of deceased. Compensation under other heads has also been rightly awarded in favour of the claimant. No further modification is required to be done in this case. Hence, no ground is made out to interfere in the impugned award.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

28.08.2019
ajp

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