

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

FAO No. 222 of 2015 (O&M)

Date of decision : February 07, 2019

Bhojraj alias Bhoj Ram and anotherAppellants

Versus

Raju alias Rajinder Singh and othersRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ram Bilas Gupta, Advocate
for the appellant.

None for the respondents.

LISA GILL, J.

Present appeal has been filed by the claimants for enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Palwal (hereinafter referred to as the 'Tribunal') on account of death of Parveen vide award dated 07.07.2014..

Brief facts necessary for adjudication of the case are that the claimants i.e. parents of the deceased filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Parveen on 04.05.2013 in a motor vehicle accident caused due to driving of the offending vehicle Tata-407 bearing registration No. HR-46C-5440 by respondent No.1 in a rash and negligent manner. It was averred that Parveen and his uncle Shri Ram were coming from village Hathin to Pengaltoo on a motor cycle Hero Honda Splendor bearing registration No. HR-50C-4937. When they reached near petrol pump of village Sondh, offending vehicle Tata -407 Truck bearing registration No. HR-46C-5440 came from Hodal

side and hit their motor cycle. Due to impact, Parveen fell on the road, sustained multiple grievous injuries and succumbed to his injuries.

Learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place on 04.05.2013 due to rash and negligent driving of the offending Tata-407 bearing registration No. HR-46C-5440 by respondent No. 1. Learned Tribunal awarded a sum of ₹24,58,000/- with interest at the rate of 7.5% per annum from the date of filing of the claim petition till date of actual realisation of the award. Income of the deceased was assessed as ₹16,000/- per month on the basis of salary certificate (Ex.P5). Increment of 50% on account of future prospects was afforded. Deduction of 50% was effected as the deceased was a bachelor. Multiplier of 17 was applied as the deceased was 26 years old at that time. Additionally, a sum of ₹10,000/- on account of transportation and last rites expenses was awarded.

Aggrieved of the quantum of compensation, claimants have filed this appeal.

I have heard learned counsel for the appellant and have gone through the file.

I do not find any ground for enhancement of the compensation awarded to the appellants. While referring to the Post Mortem Report (Ex.P2), learned counsel for the appellant has urged that age of the deceased was 23 years at the time of the accident, therefore, multiplier of 18 instead of 17 should be applied. There is no merit in this argument. This is so for the reason that it is a matter of record that the voter identity card of Parveen issued by the Election Commission of India was produced on record wherein his date of birth is mentioned as 04.05.1997. The accident in

question took place on 04.05.2013, therefore, he was clearly 26 years of age at the time of the accident. No reliance can be placed on the post mortem report in the facts and circumstances of the case, as the voter identity card, which is imminently a more reliable proof of age of the deceased, is available on record. Multiplier of 17 has, thus, been correctly applied.

Increment of 50% instead of 40% for future prospects as required in terms of judgment of the Hon'ble Supreme Court in **National Insurance Company Limited versus Pranay Sethi and others 2017 (4) RCR (Civil) 1009** has been afforded. Therefore, even if, compensation on account of funeral expenses, loss of estate and loss of filial consortium is afforded to the appellant in terms of judgment of the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), it would be offset by the extra 10% increment afforded on account of future prospects by the learned Tribunal.

No other argument is raised.

Accordingly, this appeal being devoid of any merit is dismissed with no order as to costs.

February 07, 2019
rts

(Lisa Gill)
Judge

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