

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

FAO No.5413 of 2014 (O&M)
Date of Decision: October 18, 2019

Sarita Devi and others

...Appellants

Versus

Jaswant Singh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Navmohit Singh, Advocate
for the appellants.

Respondents No.1 and 2 ex parte.

Mr. Raj Kumar Bashamboo, Advocate
for respondent No.3-Insurance Company.

JAISHREE THAKUR, J. (Oral)

1. This is an appeal that has been filed by the appellants-claimants seeking enhancement to the compensation, as awarded by the Motor Accident Claims Tribunal, Kurukshetra by its award dated 25.09.2013.

2. In short, the facts are that on 16.08.2012, while Naresh Passi, the deceased, was going on his motorcycle bearing registration No.HR07-F-6767 and crossing the G.T. road near Devi Lal Park, the offending motorcycle bearing registration No.HR07-G-3657 came from Pipli side, being driven by its driven in a rash and negligent manner and struck the motorcycle of the deceased, due to which the deceased fell down on the road and received serious injuries on his head and other parts of body,

which eventually became cause of his death. In this regard, an FIR No.261 dated 23.08.2012 was registered against respondent No.1. With all these facts, a claim petition was filed, which was contested and ultimately, on appreciation of the evidence, a sum of ₹ 11,74,200/- along with interest @ 12% per annum was awarded as compensation to the appellants-claimants. Aggrieved against the said quantum of compensation, the instant appeal has been filed.

3. Counsel for the appellant would argue that the compensation, as awarded by the Tribunal, is liable to be enhanced in view of the judgment rendered by the Apex Court in ***National Insurance Co. Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009.***

4. Per contra, counsel for respondent No.3-Insurance Company contends that more than adequate compensation has already been allowed to the appellants-claimants, therefore, the appeal is liable to be dismissed.

5. I have heard counsel for the parties and with their assistance, have also perused the impugned award.

6. There is no dispute regarding the accident in question, as neither the owner/driver of the offending vehicle nor the Insurance Company have filed any appeal against the award of the Tribunal. The only question which remains to be decided is whether adequate compensation has been allowed by the Tribunal to the appellants-claimants. The Tribunal, while assessing the compensation, took the income of deceased Naresh Passi as ₹ 5500/- per month, based on minimum wages, as applicable on the date of the accident. The Tribunal deducted 1/3rd income of the deceased towards the personal expenses and applied the multiplier of 17, keeping in

view the age of the deceased as 30 years. Besides this, an amount of ₹ 1 lac has been awarded to claimant No.1-wife towards loss of consortium along with ₹ 1 lac towards loss of love and affection. The Tribunal further awarded a sum of ₹ 1 lac each to the parents i.e. claimants No.2 and 3 towards loss of love and affection. Apart from this, an amount of ₹ 25,000/- has been awarded for funeral expenses and a sum of ₹ 1200/- towards medical expenses, on the basis of medical bills produced on record as Ex.P6 to Ex.P16. Thus, the total compensation awarded by the Tribunal comes to ₹ 11,74,200/-.

7. On computation of the compensation, keeping in view the judgment rendered by the Apex Court in **National Insurance Company Limited Vs. Pranay Sethi and others (supra)**, the appellants-claimants would get the following compensation:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Naresh Passi
(ii)	Date of accident	16.08.2012
(iii)	Age of the deceased	30 years
(iv)	Monthly income of the deceased	₹ 5500/-
(v)	40% of (iv) is to be added towards future prospects	(₹ 5500+₹2200)= ₹ 7700/- per month
(vi)	1/3 rd of (v) above deducted towards personal expenses	(₹ 7700-₹2567) = ₹ 5133/- per month
(vii)	Compensation calculated after applying the multiplier of 17	(₹5133X12X17) = ₹ 10,47,132/-
(viii)	Funeral expenses	₹ 15000
(ix)	Compensation for loss of consortium	₹ 40000
(x)	Compensation for loss of estate	₹ 15000
Total		₹ 11,17,132/-

8. The Tribunal has already awarded a compensation of ₹

11,74,200/- to the appellants-claimants, which is over and above the amount as per their entitlement in terms of the judgment rendered in **National Insurance Company Limited Vs. Pranay Sethi and others (supra)**. As already mentioned, the owner/driver of the offending vehicle or the Insurance Company have not preferred any appeal challenging the award of the Tribunal, as such, finding no ground to enhance the compensation, the appeal is hereby dismissed.

October 18, 2019
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No