

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

FAO No.3305 of 2016 (O&M)

Date of decision: 26.08.2019

National Insurance Co. Ltd.

....Appellant

Versus

Ritu Bala and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Madhu Sharma, Advocate,
for the appellant-Insurance Company.

Mr. Diwan S. Adalkha, Advocate,
for respondent Nos.1 and 2.

RITU BAHRI J. (Oral)

National Insurance Company Ltd.-appellant has filed this appeal against the award dated 05.01.2016 passed by the Motor Accident Claims Tribunal, Jagadhri (hereinafter referred to as 'the Tribunal') whereby compensation of Rs.16,20,000/- has been awarded in favour of the claimants-respondent Nos. 1 & 2 on account of death of Munish in a motor vehicular accident which took place on 27.03.2015. Respondent No. 1 is widow and respondent No.2 is son of deceased.

A perusal of the impugned award shows that as per autopsy report Ex.P12, the deceased was 35 years of age. In the absence of any documentary proof, income of deceased was assessed by the Tribunal as Rs.7500/- per month i.e. Rs.90,000/- per annum. In this income, 50% addition was made on account of future prospects. In this manner, total annual earning of deceased came to Rs.1,35,000/- (90,000 + 45,000). Out of this income, 1/3rd amount was deducted towards personal expenses of the deceased. By doing so, remaining amount came to Rs.90,000/- per annum.

Keeping in view the age of deceased, multiplier of 16 was applied. After applying the multiplier of 16, dependency of claimants came to Rs.14,40,000/- (Rs.90,000/- x 16). Apart from this, Rs.25,000/- were awarded on account of funeral expenses, Rs.1,00,000/- to claimant No.1- Renu Bala (widow) for loss of consortium, Rs.50,000/- to claimant No.2 (son) for loss of love and affection and Rs.5000/- towards loss of estate. Hence, claimants-respondent Nos. 1 and 2 were held entitled to a total compensation of Rs.16,20,000/- along with interest at the rate of 8% per annum from the date of filing of claim petition till actual realization.

Appellant has not challenged the finding given by the Tribunal on issue No.1 that the accident had taken place on account of rash and negligent driving of the offending vehicle by its driver-respondent No.3- Man Chand (respondent No.1 in claim petition). Insurance Company-appellant is challenging the impugned award on the ground of quantum of compensation.

Heard, counsel for the parties.

After going through the impugned award, this Court is of the view that the compensation has been rightly awarded in favour of the claimants (respondent Nos. 1 & 2) as per law prevalent at that time and no ground is made out to interfere therein. The evidence has been appreciated in the right perspective.

Resultantly, finding no merits, the present appeal is dismissed.

(RITU BAHRI)
JUDGE

26.08.2019
ajp