

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 6320 of 2015

Date of decision: 25.09.2019

Shakuntala Devi and others

...Appellants

V/s.

Shamsher Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. S.S.Momi, Advocate for the appellants.

Mr. Subhash Rana, Advocate for
respondents No. 1 and 2.

Mr. Rajesh K. Sharma, Advocate for
respondent No.3-insurance co.

RITU BAHRI, J. (Oral).

The claimants have come up in appeal against the award of the tribunal dated 18.04.2015 whereby they have been awarded compensation of Rs.12,20,120/- on account of death of Satpal who died in a road accident which took place on 03.05.2014.

Brief facts of the case are that on 03.05.2014 at about 6:00 p.m, deceased Satpal accompanied by his son Parveen Kumar, co-villager Nathu Ram and 5/6 other persons proceeded from village Jheel to village Karoda (Punjab) in a tractor-trolley bearing registration No. HR-08B-6760, which was being driven by one Vijay at a normal speed by observing all the traffic rules on due left hand side of the road and at about 9:00 p.m., when they reached in the area of village Rasida then in the meantime, the alleged offending truck bearing registration No.HR-56A-5485 being driven by

respondent No. 1 in a rash and negligent manner and without blowing horn, came from the opposite side and struck directly against the said tractor-trolley, As a result Satpal and Nathu Ram received multiple serious injuries and were shifted to General Hospital, Narwana where Satpal was declared dead. Consequently, the claimants-appellants filed a claim petition before the tribunal.

The deceased was 50 years of age as per the post mortem report (Ex.P7). The tribunal had assessed monthly income of the deceased as Rs.8,100/- p.m. as per order dated 01.07.2014 passed by the Deputy Commissioner, Kurukshetra relating to the pay and wages of the employees for the period 01.03.2014 to 28.02.2015 and assessed the following compensation:-

Sr. No.	HEADS	CALCULATIONS
(i)	Income	8,100/-p.m.
(ii)	30% of (i) above to be added as future prospects	8,100+2,430=Rs.10,530/-
(iii)	1/3 rd of (ii) deducted as personal expenses of the deceased	10,530-3,510=Rs.7,020/-
(iv)	Compensation after multiplier of 13 is applied	7,020X12X13=Rs.10,95,120/-
	Loss of consortium	Rs.1,00,000/-
(v)	Transportation and funeral expenses	Rs.25,000/-
	TOTAL COMPENSATION AWARDED	Rs.12,20,120/-

Hence, the claimants were found entitled to total compensation of Rs.12,20,120/- along with interest @ 9% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimants-appellants have preferred the present appeal.

I have heard learned counsel for the parties 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. Finding of negligence

has rightly been given by the Tribunal and it does not require any interference on that account.

A perusal of the award shows that monthly income of the deceased as Rs.8,100/- p.m. has been taken as per order dated 01.07.2014 passed by the Deputy Commissioner, Kurukshetra relating to the pay and wages of the employees for the period 01.03.2014 to 28.02.2015 and compensation on all the heads has been given keeping in view the judgment passed by Hon'ble the Supreme Court in *National Insurance Company Limited Vs. Pranay Sethi and others*, Special Leave Petition (Civil) No.25590 of 2014.

Hence, no further modification is required to be made.

Appeal is dismissed accordingly.

(RITU BAHRI)
JUDGE

25.09.2019

Divyanshi

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