IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.6334 of 2015 (O&M)
Date of decision: 18.12.2019

Reliance General Insurance Company Ltd.

….Appellant

Versus

Minakshi and others

….Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Bashamboo, Advocate,
for the appellant.

Mr. P.K. Rohilla, Advocate,
for respondent Nos. 1 to 3-claimants.

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RITU BAHRI J. (Oral)

Reliance General Insurance Company Ltd.-appellant has filed this appeal against the award dated 16.03.2015 passed by the Motor Accident Claims Tribunal, Sonepat (hereinafter referred to as 'the Tribunal') whereby compensation of Rs.15,41,880/- has been awarded in favour of the claimants-respondent Nos. 1 to 3 on account of death of Parmod Kumar in a motor vehicular accident which took place on 27.03.2013. claimant-respondent No.1 is widow and claimant Nos.2 & 3 are parents of deceased Parmod Kumar.

Brief facts of the case are that on 27.03.2013, complainant Vinod Kumar had started for Samalkha from Gannaur on his motorcycle. Parmod (since deceased) along with his friend Deepak was also going ahead of Vinod Kumar on a motorcycle bearing No.HR-99-PB (T)-7911. In the

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meantime, a Canter, Tata 407, bearing registration No.HR-69-9712 being driven by Manvir-respondent No.4 (respondent No.1 in claim petition) in a rash and negligent manner, came from the side of Delhi and struck against the motorcycle of Parmod Kumar, as a result of which, Parmod and Deepak fell on the road and received injuries. Parmod was taken to Civil Hospital, Sonipat, from where, he was referred to PGIMS, Rohtak. But, due to his serious condition, he was got admitted to Man Sarover Hospital, Rohtak. Thereafter, he was taken to Max Super Specialty Hospital, New Dehil. Unfortunately, Parmod succumbed to the injuries on 29.03.2013. With regard to the accident, FIR No.119 dated 29.03.2013, under Sections 279/337 IPC was registered at Police Station, Gannaur, Sonipat. Consequently, claimants-respondent Nos.1 to 3 filed a claim petition under the Section 166 of the Motor Vehicle Act before the Trbunal.

On the basis of evidence led by the parties, Tribunal came to a conclusion that the accident had taken place due to rash and negligent driving of the offending vehicle by its driver, which resulted into the death of Parmod Kumar. This finding was right given on the basis of statement made by Vinod Kumar (PW-1), who was eye witness of the accident and on whose statement FIR Ex.P1/Ex.P10 was registered. Further, the claimants have proved on record certified copy of charge sheet Ex.P12, report under Section 173 Cr.P.C. Ex.P13 and death certificate Ex.P18.

In the absence of any documentary evidence, the Tribunal has taken monthly income of deceased as Rs.6430/- per month, out of which, one-third amount was deducted towards his personal expenses, which came to Rs.4287/-. In this income, 50% addition was made on account of future prospects. Total income of deceased came to Rs.6430/- per month i.e.

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Rs.77,160/- per annum. The deceased was 25 years of age at the time of death/accident. Accordingly, multiplier of 18 was applied. After applying the multiplier of 18, dependency of claimant came to Rs.13,88,880/- (77,160 x 18). In addition to this, an amount of Rs.1,00,000/-was awarded towards loss of consortium, Rs.25,000/- as funeral expenses, Rs.25,000/- towards pain, loss and sufferings and Rs.3000/- towards transportation expenses. Hence, the claimants were found entitled to a total compensation of Rs.15,41,880/- along with interest at the rate of 7.5% per annum from the date of filing of petition till realization. Feeling dissatisfied with the impugned award, appellant-Insurance Company has filed the present appeal.

The Insurance Company is challenging the impugned award on the ground of quantum. Learned counsel for the appellant has argued that income of the deceased has been taken by the Tribunal as Rs.6430/- per month, which is on the higher side.

Heard, learned counsel for the parties.

Accident, in the present case took place on 27.03.2013. As per claimants, deceased Parmod was working as Supervisor-cum-driver and was earning Rs.8000/- per month. Apart from this, he was also running a Mini Milk Dairy and his total income was Rs.14,000/- per month. However, in the absence of any documentary evidence, income of deceased was assessed as Rs.6430/- per month keeping in view the minimum wages prevalent at that time. This income has been rightly taken by the Tribunal.

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 to 3) as per the law prevalent at that time and no ground is made out to interfere therein. The evidence has been

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appreciated in the right perspective.

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

(RITU BAHRI)
JUDGE

18.12.2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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