

222(1/2)

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

**1. FAO No.6483 of 2016 (O&M)
Date of Decision: 28.02.2019**

Neeta @ Jaspal Mittal and another

Appellants

Versus

Ranjit Kaur and others

Respondents

2. FAO No.416 of 2017 (O&M)

Ranjit Kaur and others

Appellants

Versus

Neeta @ Jaspal Mittal and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Satish Kumar, Advocate for
Mr. Rajeev Duggal, Advocate
for the appellants [in FAO No.6463 of 2016]
for the respondents [in FAO No.416 of 2017].

Mr. Param Preet Singh Brar, Advocate
for the appellants [in FAO No.416 of 2017]
for the respondents [in FAO No.6483 of 2016].

AVNEESH JHINGAN, J (Oral):

The award dated 30.07.2016 passed by the Motor Accident Claims Tribunal, Faridkot [for brevity 'the Tribunal'] has been assailed in two appeals, one by the owner and driver of Tata Safari bearing registration No. PB-19F-0389 [hereinafter referred to as 'offending vehicle'] and another by legal heirs of Bhupinder Singh (deceased) being aggrieved of the quantum of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 [for

brevity 'the Act'].

Brief facts of the case are that a motor vehicular accident took place on 03.01.2015. The accident was caused due to the rash and negligent driving of the offending vehicle. The said accident proved fatal for Bhupinder Singh, aged 36 years. FIR was registered.

In the claim petition it was pleaded that the deceased was working with HBL Global Private Ltd. as a Sales Executive. His earning was claimed to be as ₹50,000/- per month. The salary slips of October, 2016 and December, 2016 were exhibited before the Tribunal which were printed on the Letter Head of HBL Global Pvt. Ltd. but were signed and stamped by HDFC Bank. The Tribunal considered that there were variable monthly incentives and assessed monthly earning of the deceased as ₹30,000/- per month; 1/3rd deduction for self-expenses was made and multiplier of '15' was applied. The Tribunal awarded compensation of ₹37,25,000/- alongwith interest @ 6% per annum. The amount awarded included ₹1,00,000/- for loss of consortium and ₹25,000/- for funeral expenses.

The grievance raised by learned counsel for the owner and driver is that the claimants failed to prove monthly earning of the deceased as the salary certificate relied upon was on the letter head of HBL Global Pvt. Ltd. but was signed and stamped by HDFC Bank. There was nothing on record to show relationship between the two companies. His grievance is that amounts awarded under the

conventional heads are on the higher side.

Learned counsel for the claimants argues that the Tribunal erred in assessing monthly income of the deceased as ₹30,000/-, as from the salary slips it was evident that income of the deceased was more than ₹40,000/- per month. He further argues that no future prospects have been awarded and no amount has been awarded for loss of estate.

The issues raised by learned counsel for the owner and driver requires consideration of certain factual aspects before deciding the quantum of compensation, for example, relationship between HBL Global Pvt. Ltd. and HDFC Bank, for which no evidence is available on record and further evidence would be required to be adduced.

Without expressing any opinion on the merits of the case, the issue only with regard to quantum of compensation is remitted back to the Tribunal to be decided afresh after providing opportunity to both the parties to produce fresh evidence in support of their claims, if so desired.

The parties are directed to appear before the Tribunal on 22.04.2019.

Both the appeals are disposed of.

[AVNEESH JHINGAN]
JUDGE

February 28, 2019
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |