

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

FAO-7596-2015 (O&M)

Date of decision: 01.07.2019

Sunita and others

...Appellants

Versus

Pawan and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. K.S. Dhanora, Advocate for the appellants.

Mr. Narender Kaajla, Advocate for respondent Nos.1 & 2.

Ms. Vandana Malhotra, Advocate for respondent No.3.

H.S. MADAAN, J. (Oral)

On account of death of Attam Parkash @ Kaliya in a motor vehicular accident, which took place on 22.04.2013 in the area near Hansi College, Hansi, allegedly on account of rash and negligent driving of Tata Ace vehicle bearing registration No.HR-39-C-1945 by Pawan son of Barish, legal representatives of Attam Parkash @ Kaliya, namely, his wife Smt. Sunita, minor sons Himanshu and Nitin, minor daughter Khushi @ Khushbu and father Sh. Bhim Sain had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as the Act) for grant of compensation against the respondents i.e. Pawan-driver, Sansar-owner and TATA AIG General Insurance Company Ltd., Hisar-insurer of Tata Ace bearing registration No.HR-39-C-1945

(hereafter referred to as the offending vehicle). That claim petition bearing No.185-MACT along with connected petition titled 'Parmod Vs. Pawan and others' filed by Parmod who was injured in that accident were disposed of by Motor Accidents Claims Tribunal, Hisar, vide award dated 05.05.2015 and a compensation of Rs.7,85,625/- was awarded along with interest @ 7.5% p.a. and costs of the petition. However, the claimants were not satisfied with the compensation amount awarded and they have approached this Court seeking enhancement of compensation, by way of filing the present appeal, notice of which was given to the respondents who have appeared through counsel.

I have heard learned counsel for the parties besides going through the record and I find that there is no scope for enhancement. The tribunal has taken the age of deceased to be 50 years, his monthly income Rs.50,000/- per annum and keeping in view the number of family members, dependent upon him has applied cut of 1/4th and then annual dependency arrived at Rs.560625/- and has rightly applied the multiplier of 13. The claimants have been duly compensated under various conventional heads, rather, the tribunal has been quite generous with the claimants in that regard. There is absolutely no scope for enhancement of the compensation awarded. Finding no merit in the appeal, the same stands dismissed.

01.07.2019

sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No