

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

F.A.O. No. 7917 of 2015

DATE OF DECISION :- May 15, 2019

Ramphool and another

...Appellants

Versus

Vikas and others

...Respondents

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

Present:- Mr. Narinder Singh, Advocate
for Mr. Abhilakh Grover, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No. 3.

On account of death of Rajesh, in a motor vehicular accident, which took place on 8.6.2014, in the area of Madanheri, Hisar, statedly due to rash and negligent driving of Alto Car bearing registration No.HR-06U-3690 driven by Vikas-respondent No. 1, his legal representatives namely his father Ramphool, aged about 59 years and mother Smt. Krishna Devi, aged about 54 years had brought a claim petition under Section 166 of the Motor Vehicles Act against the respondents i.e. Vikas (driver), Sahdev (owner) and The New India Assurance Co. Ltd., Rohtak-insurer of Alto Car bearing registration No.HR-06U-3690.

On notice, all the three respondents appeared and offered a contest, however, Motor Accident Claims Tribunal, Hissar vide award dated 13.5.2015 accepted the application and awarded compensation of

Rs.10,43,000/- with interest at the rate of 7.5% per annum from the date of filing of claim petition till realization besides cost of the application.

The claimants feeling dissatisfied with the Award have approached this Court by way of filing appeal, notice of which was given to the Insurance Company. The Insurance Company has appeared through counsel.

I have learned counsel for the parties besides going through record.

Though as per version of the claimants, their son Rajesh (deceased) was running a welding shop in Village Madanheri in the name and style of Chahal Welding Works. He was earning Rs.13,000/- per month but they have failed to substantiate those assertions by bringing any cogent and convincing evidence on record. The Tribunal has assessed his income as Rs.6,000/- per month. Learned counsel for the Insurance Company has stated that at the relevant time the State of Haryana had fixed the minimum wages for a skilled worker as Rs.5937/- per month thus no fault can be found with the Tribunal assessing income of the deceased to be Rs.6,000/- per month. The Tribunal has allowed 50% of the amount towards future prospects taking total income of deceased per year to be Rs.1,08,000/-. Considering that he was aged about 30 years and a bachelor deduction of 50% was made towards personal expenses and multiplier of 17 was used. Thus dependency of the deceased was taken as Rs.54,000/-. The compensation amount was thus arrived at Rs.9,18,000/- (54,000 x 17). A sum of Rs.1 lac was granted towards loss of love and affection and Rs.25,000/- on account of transportation and funeral expenses making total

compensation payable to be Rs.10,43,000/-. Though according to learned counsel for the Insurance Company the amount awarded under such Head was on higher side keeping in view of judgment ***National Insurance Company Limited Versus Pranay Sethi and Others 2017 (4) R.C.R. (Civil) 1009*** but since the Insurance Company has neither filed any appeal nor cross objections, I am not inclined to reduce the amount of compensation so awarded which I find to be just and sufficient. However, there is no scope for further enhancement of the compensation amount. The appeal filed by the appellants is hereby dismissed.

(H.S. MADAAN)
JUDGE

May 15, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No