

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

F.A.O. No. 948 of 2016

DATE OF DECISION :- October 31, 2019

Sheela Devi

...Appellant

Versus

Parsa Ram and others

...Respondents

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

Present:- Mr.Rajbir Singh , Advocate for the appellant.

Mr. Rahul Pathania, Advocate
for Mr. R.C. Kapoor, Advocate for the respondent No. 3.

Briefly stated the facts of the case are that on account of death of Ram Pal, aged about 58 years, in a motor vehicular accident, which took place on 10.11.2011 at about 4.30 P.M., in the area of FCI Godown, Dhuri, statedly on account of rash and negligent driving of truck bearing Registration No. RJ-21-GA-4711 by respondent No. 1 Parsa Ram, widow of deceased namely Smt. Sheela Devi had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against respondents i.e. Parsa Ram-driver, Asham Ram-owner and United India Insurance Co. Ltd, Makrana-insurer of truck bearing Registration No. RJ-21-GA-4711 (hereinafter referred to as the offending truck). She had impleaded her sons Gurjit Rai, Baljit Rai, Makhan Singh besides daughter Gurmeet Kaur as proforma respondents.

On notice, respondents no. 1 to 3 had appeared and contested the claim petition. Issues on merits were framed. The parties were afforded adequate opportunities to lead evidence.

On conclusion of trial, the Motor Accident Claims Tribunal, Sangrur vide Award dated 18.2.2015 accepted the claim petition and awarded compensation of Rs.6,21,800/- with interest at the 9% per annum commencing after 30 days from date of death of deceased Ram Pal till realization.

Notice of the appeal was given to respondent-Insurance Company which has put in appearance through counsel.

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

Learned Tribunal has assessed the monthly income of the deceased to be Rs.6,000/-. Though it is contended on behalf of the appellant that he was having four acres of land but the land is still there and the efforts of the deceased for maintenance of the land are to be considered. Therefore, the amount of Rs.6000/- per month so taken cannot be said to be on lower side. The Tribunal has added 15% of the amount towards future prospects. However, in terms of judgment '*National Insurance Company Limited Versus Pranay Sethi and Others 2017 (4) R.C.R. (Civil) 1009*' when the deceased is in the age group of 50-60 years an addition of only 10% is to be made. Further more in view of this very judgment a sum of Rs.70,000/- is to be given under conventional Heads but the Tribunal has been quite liberal and has granted a sum of Rs.1,25,000/- under those Heads. I find the compensation so awarded is just and adequate which does not call for any enhancement. There is no merit in the appeal, therefore, the same stands dismissed.

**(H.S. MADAAN)
JUDGE**

October 31, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No