

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

F.A.O. No.4345 of 2017(O&M)

Date of Decision: 05.12.2019

Kamlesh and others

.....Appellants.

Versus

Nem Singh and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Johan Kumar, Advocate
for the applicants-appellants.

Mr. B.S.Tewatia, Advocate
for respondent no.1.

None for respondent no.2.

Mr. Ram Avtar, Advocate
for respondent no.3-Insurance Company.

LISA GILL, J (Oral).

Appellants-claimants, seek enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Palwal (for short 'tribunal'), vide impugned award dated 10.08.2016, on account of death of Fateh Singh.

Appellants-claimants, are the mother, siblings of the deceased and widow of the deceased being a proforma respondent no.4.

As per averments in the claim petition filed under Section 166 of the Motor Vehicles Act (for short 'M.V.Act'), Fateh Singh (deceased) on 12.11.2014, at about 11.00.a.m., along with Vijay son of Khem Chand, were going on a motorcycle bearing registration no. HR-50-D-7414 from Mitrol to Shri Nagar Palwal. Vijay was driving the motorcycle in question and Fateh Singh (deceased) was a pillion rider on the same. When they reached

on Highway crossing of village Shri Nagar, Palwal, a motorcycle bearing registration no. HR-99-RBT-9137 (temporary), being driven by respondent no.1-Nem Singh in a rash and negligent manner directly struck against their motorcycle. As a result thereof, Fateh Singh, received multiple, grievous and fatal injuries on the vital parts of his body and died at the spot. Driver of the offending motorcycle also received injuries in the accident. Vijay Singh with the help of others took the deceased to the Government Hospital, Palwal. Postmortem on the dead body of the deceased was conducted. FIR No. 601 dated 12.11.2014, under Sections 279, 304-A IPC, Police Station Sadar Palwal, was registered against respondent no.1-Nem Singh, in this respect. Compensation was thus claimed.

Learned Tribunal on considering the evidence on record concluded that Fateh Singh died due to the injuries received by him in the motor vehicle accident, which took place on 12.11.2014, due to the rash and negligent driving of respondent no.1-Nem Singh. Said finding of the learned tribunal has attained finality.

Learned tribunal assessed his income as ₹6000/- per month and awarded a sum of ₹14,18,400/-(however, it is wrongly mentioned as ₹14,18,000/- in the impugned award), which is detailed as under:-

1.	Total income of deceased	₹6000/- p.m.
2.	Future prospects	30%
3.	Deduction towards personal expenses	¼
4.	Multiplier	17
5.	Loss of dependency	₹11,93,400/-
6.	Loss of consortium to respondent no.4	₹1,00,000/-
7.	Loss of love, care and guidance to appellants no.2 and 3	₹1,00,000/-

8.	Funeral expenses	₹25,000/-
	Total	₹14,18,400/-

Aggrieved therefrom, present appeal has been filed by the appellants-claimants.

Heard learned counsel for the parties.

Learned counsel for the appellants is unable to point out any evidence on record which indicates assessment of the income of the deceased to be higher than as has been assessed by the learned tribunal. There is no evidence on record to indicate either the vocation or the exact income of the deceased. He was thus rightly treated as an unskilled labourer and income as assessed by the learned tribunal to be ₹6000/- per month, is upheld.

Keeping in view the judgement of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors. 2017(4) R.C.R.(Civil) 1009**, learned counsel for the appellants is unable to point out any ground whatsoever for enhancement of the compensation already awarded by the learned tribunal. Therefore, compensation awarded to the claimants, is not liable to be enhanced.

Learned counsel for the appellants is unable to point out any illegality or infirmity in the impugned award dated 10.08.2016, passed by the learned tribunal, Palwal, which calls for interference by this Court, at the instance of the appellants-claimants.

No other argument has been raised.

There is a delay of 128 days in filing of this appeal. Keeping in view the fact that the matter has been adjudicated on merits, question of

delay in filing of this appeal is rendered academic. Application is disposed of accordingly.

Appeal is accordingly dismissed with no order as to costs.

05.12.2019
s.khan

[LISA GILL]
Judge

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