

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 4453 of 2017

Date of Decision: March 20 , 2019.

Kulbir Singh

..... APPELLANT

Versus

Gurbachan Kaur and others

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. L.S.Sidhu, Advocate
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed by the owner of the offending vehicle challenging the quantum of compensation awarded to the claimants by the learned Motor Accident Claims Tribunal, Kapurthala (for short, “the Tribunal”) vide award dated 19.10.2016.

A petition under Section 166 of the Motor Vehicles Act, 1988 was filed by the claimants seeking compensation of ₹50,00,000/- on account of death of Jagdeesh Singh in a motor vehicle accident which took place on 03.08.2014 due to the rash and negligent driving of the offending truck bearing registration No.PB-10Q-9955, by its driver Balvir Singh (arrayed as respondent No.1 in the

claim petition). Learned Tribunal on consideration of the facts and evidence on record, while concluding that the deceased – Jagdeesh Singh lost his life in a motor vehicle accident which took place on 03.08.2014 due to the rash and negligent driving of offending truck No.PB-10Q-9955 by its driver Balvir Singh, awarded a total sum of ₹6,30,000/- as compensation to the claimants vide impugned award dated 19.10.2016. The deceased was 55 years old at the time of the accident. Learned Tribunal assessed income of the deceased to be ₹7,500/- per month while considering him to be a daily wager. Deduction to the extent of 1/3rd was effected on account of personal expenses and multiplier of 8 was applied. ₹1,00,000/- was awarded to the claimants on account of loss of love, affection and consortium. ₹50,000/- was awarded towards funeral expenses and transportation etc.

There is no challenge to the finding of the learned Tribunal that the accident in question was caused due to the rash and negligent driving of the offending truck No.PB-10Q-9955 by its driver Balvir Singh. Learned Tribunal has assessed income of the deceased as ₹7,500/- per month while discarding the claim set up by the claimants that the deceased was earning ₹50,000/- per month, being an agriculturist and engaged in dairy farming. J-forms (Ex.P7 to P18) were ignored by the learned Tribunal. There is no evidence on record to indicate that income of the deceased-Jagdeesh Singh has been assessed excessively. Though learned Tribunal has awarded an amount of ₹1,00,000/- on account of loss of love, affection and consortium and ₹50,000/- on account of funeral expenses, transportation etc., however in view of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others,**

2017(16) SCC 680 and Vimla Devi and others v. National Insurance Company Ltd. and another, 2019(1) RCR(Civil) 86, any reduction, if at all, on the said terms would be off-set by increment on account of future prospects.

No other argument has been raised.

Learned counsel for the appellant is unable to point out any infirmity, illegality or perversity in the impugned award dated 19.10.2016 passed by the Motor Accident Claims Tribunal, Gurdaspur which calls for any interference by this Court.

Consequently, this appeal is dismissed with no order as to cost.

(LISA GILL)
JUDGE

March 20 , 2019.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No