

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 4510 of 2017
Date of decision: 30.10.2019

Bishni Devi

...Appellant

V/s.

Raju and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Saurabh Kapoor, Advocate for
Mr. Ashit Malik, Advocate
for the appellant.

Mr. R.K.Bashamboo, Advocate for
respondent No.3-insurance co.

RITU BAHRI, J. (Oral).

The appellant has come up in appeal against the award of the tribunal dated 02.12.2016 whereby she has been awarded compensation of Rs.13,61,800/- on account of death of Mahinder Singh, who died in a road accident which took place on 20.01.2014.

FACTS NOT IN DISPUTE

Brief facts of the case are that on 20.01.2014, deceased Mahinder Singh was sitting as pillion rider on motorcycle No./HR05AJ-1329 being driven by Karam Singh, which was hit by truck bearing registration No.HR69-1725 being driven by respondent No. 1 in a rash and negligent manner on Fly Over, Kaithal Road, Karnal. Consequently, the claimants filed a claim petition before the tribunal.

The deceased was 32 years of age as per post mortem report. The tribunal assessed the monthly income of the deceased as Rs.8,100/-p.m. as per D.C. rates fixed for the year 2014.15 and calculated the compensation as under:-

Sr. No.	HEADS	CALCULATIONS
(i)	Income	Rs.8,100/- p.m.
(ii)	1/3 rd of (i) deducted as personal expenses of the deceased	8,100-2,700=Rs.5,400/-
(iii)	Total dependency after multiplier of 16 is applied	5,400X12X16=Rs.10,36,800/-
(iv)	Loss of love and affection	Rs.2,00,000/-
(v)	Loss of consortium	Rs.1,00,000/-
(vi)	Funeral expenses	Rs.25,000/-
	TOTAL COMPENSATION AWARDED	Rs.13,61,800/-

Hence, the claimants were found entitled to total compensation of Rs.13,61,800/- along with interest @ 7% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimants-appellants have preferred the present appeal.

I have heard learned counsel for the parties and perused the case file. The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. Finding of negligence has rightly been given by the Tribunal and it does not require any interference on that account.

Keeping in view that the income of the deceased has been taken as Rs.8,100/-p.m. as per D.C.rates, Rs.1,00,000/- has been awarded as loss of consortium and Rs.2,00,000/- has been awarded as loss of love and affection, no further enhancement is required to be done as per the judgment passed by Hon'ble the Supreme Court in ***National Insurance Company Limited Vs. Pranay Sethi and others***, Special Leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017).

At this stage, learned counsel for the appellant seeks to withdraw the appeal.

Dismissed as withdrawn.

(RITU BAHRI)
JUDGE

30.10.2019
Divyanshi

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