

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

**F.A.O. No. 5649 of 2017 (O&M)
DATE OF DECISION :- September 16, 2019**

Sh. Suresh Kumar and another

...Appellants

Versus

Sh. Bhupinder Singh and others

...Respondents

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

Present:- Ms. Amandeep Kaur, Advocate for the appellant.

C.M. No. 18530-CII of 2017

This is an application for condonation of delay of 70 days in filing of the appeal. For the reasons mentioned in the application, the application is allowed and delay is condoned.

F.A.O. No. 5649 of 2017

On account of death of Sh. Prabhu Mehto, aged about 69 years in a road side accident, his legal heirs had brought a claim petition under Section 166 of the Motor Vehicles Act against Bhupinder Singh-driver, Suresh Kumar-owner and Future Generali India Insurance Co. Limited, Panchkula-insurer of Truck No. PB-65-H-5277, claiming compensation.

On notice, the respondents appeared and contested the claim petition.

On conclusion of trial, the Motor Accident Claims Tribunal, S.A.S. Nagar, Mohali vide Award dated 15.12.2016 awarded compensation

of Rs.3,85,000/- to the claimants payable by the respondents jointly and severally. Still the claimants felt aggrieved and have approached this Court by way of filing an appeal seeking enhancement of compensation.

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

I find that there is absolutely no scope for enhancement of compensation. The Tribunal has already been quite liberal with the claimants while assessing monthly income of the deceased, who was a labourer as Rs.9,000/- per month and awarding Rs.3,85,000/- as compensation after applying multiplier of 05. A sum of Rs.25,000/- has been awarded for funeral expenses by the Tribunal. In view of Apex Court authority '*National Insurance Company Limited Versus Pranay Sethi and Others 2017 (4) R.C.R. (Civil) 1009*' only a sum of Rs.15,000/- is given.

It is not a fit case for enhancement of compensation. There is no merit in the appeal, therefore, the same stands dismissed.

(H.S. MADAAN)
JUDGE

September 16, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No