

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

**FAO No.5832 of 2017 (O&M)
Date of Decision: 26.02.2019**

Balwinder Kaur and another

Appellants

Versus

Randhir Singh through LRs and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Reena, Advocate for
Mr. B.S. Jaswal, Advocate
for the appellants.

AVNEESH JHINGAN, J (Oral):

The award dated 04.11.2016 passed by the Motor Accident Claims Tribunal, Amritsar [for brevity 'the Tribunal'] has been assailed by legal heirs of Ravinder Kaur seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act']. The appeal is accompanied by an application under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 44 days in filing the present appeal.

The facts in brief are that a motor vehicular accident took place on 20.10.2015, which proved fatal for Ravinder Kaur, aged 27 years. The accident was caused due to the rash and negligent driving of Truck bearing registration No. RJ-13G-9204 [hereinafter referred to as 'offending vehicle']. FIR No.260 of 2015 was lodged.

A claim petition was filed under Section 166 of the Act. It

was pleaded that deceased was working as a Teacher and her salary was claimed as ₹10,764/-. Salary certificate was produced as Ex.A3, but the same was not proved. Her qualifications were proved as Double M.A. and B.Ed. The Tribunal assessed monthly earning of the deceased as ₹10,000/-; 50% future prospects were awarded; 1/3rd deduction for self-expenses was made and multiplier of '17' was applied. The Tribunal awarded a sum of ₹20,75,200/-. The amount awarded included ₹25,000/- for funeral and last rites ceremonies.

The only issue raised by learned counsel for the appellants is that no amount has been awarded for loss of estate and loss of consortium. From perusal of the award, it is evident that the claimants failed to prove occupation and monthly earning of the deceased, yet the Tribunal awarded 50% future prospects instead of 40%. In such circumstances, there is no scope for further enhancement. The excess amount awarded for future prospects shall be more than the enhancement sought under the conventional heads.

No interference is called for in the impugned award.

The appeal is dismissed *in limine*.

Since the appeal has been disposed of on merits, the question of limitation is kept open.

[AVNEESH JHINGAN]
JUDGE

February 26, 2019
pankaj baweja

1. Whether speaking/ reasoned

:

Yes
2. Whether reportable

:

No