

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 3698 of 2018 (O&M)

Date of Decision: 27.02.2019

Shanti and others

.....Appellants

Versus

Shri Om Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Susheel Gautam, Advocate
for the appellants.

AVNEESH JHINGAN, J.(oral)

The award dated 2.11.2017 passed by Motor Accident Claims Tribunal, Sonipat has been assailed by the claimants seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act').

The brief facts of the case are that a motor vehicular accident took place on 13.3.2017. The accident was caused due to rash and negligent driving of Bolero Jeep bearing registration No.DL-1LT-5417 (hereinafter referred to as 'the offending vehicle'). The accident proved fatal for Bholu, aged 25 years. The claimants were the parents and a major brother.

In the claim petition, it was pleaded that the deceased was working as a helper in M/s Preety Enterprises and was a farmer. His earning was claimed as ₹ 23,000/- per month. But, the claimants were only able to prove the monthly earning of the deceased to the tune of ₹ 10,200/-. The same was considered by the Tribunal for calculation of the compensation. 40% future prospects were awarded and ½ deduction was made for self-expenses as he was

₹ 15,72,240/-. The said amount included ₹ 15,000/- each for funeral expenses and for loss of estate. The owner, driver and insurer of the offending vehicle were held jointly and severally liable to pay the compensation.

The only issued raised by learned counsel for the appellant is that the amount awarded under conventional heads are on lower side.

The contention raised is not well founded.

The conventional heads awarded by the Tribunal are in consonance with the decision of the Supreme Court in National Insurance Company Limited Vs. Pranay Sethi and others (2017) AIR (SC) 5157

This is no scope for further enhancement of the compensation.

The appeal is accordingly dismissed.

(AVNEESH JHINGAN)
JUDGE

27.02.2019
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Whether speaking/reasoned	Yes
Whether Reportable:	No