

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 7407 of 2017 (O&M)
Date of decision: 25.09.2019

Sarla and others

...Appellants

V/s.

Surender and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Jaskaran Singh, Advocate for
Mr. Chanderhas Yadav, Advocate for the appellants.

Mr. Sachin Ohri, Advocate for
respondent No. 3-insurance co.

RITU BAHRI, J. (Oral).

CM-24674-CII-2017

Application is allowed as prayed for.

FAO-7407-2017

The claimants have come up in appeal against the award of the tribunal dated 20.05.2017 whereby they have been awarded compensation of Rs.4,62,839/- on account of death of Jai Kavar who died in a road accident which took place on 16.05.2016.

Brief facts of the case are that on 16.05.2016, Jai Kavar (since deceased) son of Jai Chand, alongwith Surender and Ashok, residents of village Khanda, was returning back after purchasing fertilizer from Sonipat. When they reached near Murgi Farm situated near village, all of a sudden a bull came in front of tractor. The driver turned his tractor towards another side, due to which tractor and trolley turned turtle. Jai Kavar (since

deceased) fell on the road and sustained grievous injuries on his head. Ashok and Surender with the help of passersby took Jai Kavar (since deceased) to CHC, Kharkhoda for treatment where doctors declared him dead. Consequently, the claimants-appellants filed a claim petition before the tribunal.

The parties are not in dispute with respect to finding on issue No. 1 that the accident took place on account of negligent driving of respondent No. 1. This finding has been rightly given in favour of the claimants keeping in view DD No. 23 and 24 (Ex.P1) coupled with the statement of Surender (Ex.P2), PMR of deceased Jai Kavar (Ex.P3) and deposition of Ashok (PW2).

The deceased was 32 years of age. The tribunal had assessed monthly income of the deceased as Rs.40,000/- p.a. and assessed the following compensation:-

Sr. No.	HEADS	CALCULATIONS
(i)	Annual Income	Rs.40,000/-
(ii)	1/3 rd of (i) above to be deducted as personal expenses	40,000-13,333=Rs.26,667/-
(iii)	Compensation after multiplier of 17 is applied	26,667X17=Rs.4,53,339/-
(iv)	Loss of estate	Rs.2,500/-
(v)	Loss of consortium (to petitioner No.1)	Rs.5,000/-
(vi)	Funeral expenses	Rs.2,000/-
	TOTAL COMPENSATION AWARDED	Rs.4,62,839/-

Hence, the claimants were found entitled to total compensation of Rs.4,62,839/- along with interest @ 7.5% 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 claim petition was filed under Section 163-A of the Motor Vehicles Act, 1988, the compensation has been rightly assessed and no further modification is required to be made.

Dismissed.

(RITU BAHRI)
JUDGE

25.09.2019
Divyanshi

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