

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

FAO No.7450 of 2017 (O&M)

Date of Decision:14.01.2019

Palwinder Kaur and others ... Appellants

Versus

Rakesh Kumar and others ... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present : Ms. Gurjit Kaur Sandhu, Advocate
for the applicants/appellants.

LISA GILL, J.

CM No.24810-CII of 2017

There is a delay of 303 days in filing of the appeal.

It is submitted that delay has occurred as the applicants were unaware of their rights to seek enhancement. The delay, it is stated, is neither intentional or mala fide. The applicants, it is submitted, have nothing to gain by delay in filing of the appeal.

Heard learned counsel for the applicant/appellant

For the reasons mentioned in the application as well as the arguments address, it is considered just and expedient to decide the matter on merits rather than dismiss it on technical consideration of delay. Therefore, delay of 303 days in filing of the appeal is condoned.

Application is disposed of.

FAO No.7450 of 2017

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal,

Kurukshetra (for short, “the Tribunal”) vide award dated 21.07.2016.

A petition under Section 166 of the Motor Vehicles Act, 1988 was filed by the appellants claiming compensation of ₹30,00,000/- on account of death of Bhupinder Singh in a motor vehicle accident which took place on 10.11.2015 in the area of Police Station Dhand, District Kaithal due to rash and negligent driving of offending car bearing registration No.HR-08S-5443 by respondent No.1-Rakesh Kumar. Learned Tribunal on consideration of the facts and evidence on record, awarded a total sum of ₹22,11,000/- as compensation to the appellants vide impugned award dated 06.02.2016. The deceased was 36 years old at the time of the accident. Learned Tribunal has assessed the notional income of the deceased to be ₹10,200/- per month on the basis of Deputy Commissioner's rates at Kurukshetra. Increment at the rate of 50% on account of future prospects was afforded. While calculating the amount of compensation, deduction to the extent of 1/3rd was effected on account of personal expenses and multiplier of 15 was applied. ₹1,00,000/- each was awarded to appellants No.1 and 2 on account of loss of consortium and loss of love and affection, respectively. Another sum of ₹1,00,000/- was awarded to all the appellants on account of loss of estate. A sum of ₹50,000/- was awarded to claimant-father on account of loss of love and affection, besides, ₹25,000/- towards transportation and funeral expenses.

Learned counsel for the appellants is unable to point out any evidence on record to show that the deceased was earning income higher than what has been assessed by the learned Tribunal. She is also unable to point out any ground, whatsoever, for enhancement of compensation awarded by the

learned Tribunal.

No other argument has been raised.

There is no infirmity, illegality or perversity in the impugned award dated 21.07.2016 passed by the Motor Accident Claims Tribunal, Kurukshetra which calls for any interference by this Court.

Consequently, this appeal is dismissed with no order as to cost.

14.01.2019
rajeev/om

(LISA GILL)
JUDGE

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