

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

-.-

Date of decision: 23.05.2019

FAO 5278 of 2018

Jasbir Singh and another

.....Appellants

versus

Shri Abhay Passi and others

.....Respondents

FAO 5320 of 2018

Rupa and others

.....Appellants

Versus

Shri Abhay Passi and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Raman Dhanda, Advocate for
Mr. Vipul Sherwal, Advocate
for the appellants (FAO 5278 of 2018)

Mr. Deepak Basatia, Advocate
for the appellants (FAO 5320 of 2018)

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Rekha Mittal, J. (Oral)

This order will dispose of aforesaid appeals as these have emerged out of the same award dated 12.12.2017 passed by the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri (in short, 'the Tribunal') whereby compensation has been assessed on account of death of Rohitash Kumar in a motor vehicular accident that took place on 22.12.2015.

FAO No. 5278 of 2018 has been filed by parents of the deceased whereas FAO 5320 of 2018 has been filed by widow and children of the deceased seeking enhancement of compensation.

The Tribunal awarded Rs.69,22,250/-, detailed hereunder:-

-Annual income of the deceased after deducting income tax	Rs.5,15,600/-
-Addition in income for future prospects	25%
-Deduction for personal expenses	1/4 th
-Multiplier	14
-Loss of dependency	Rs.67,67,250/-
-Loss of consortium	Rs.40,000/-
-Loss of love and affection	Rs.1,00,000/-
-Expenses upon transportation and last rites	Rs.15,000/-

When the case is examined in the light of latest judgments of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270*** and ***Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034***, there is no scope for allowing additional compensation. As such, plea of the claimants for enhancement of compensation is not meritorious and ordered to be rejected.

Counsel for the appellants (in FAO No. 5278 of 2018) would contend that out of compensation assessed by the Tribunal, parents of the deceased have been paid only Rs.5,00,000.00 each, children of the deceased have been given Rs.10,00,000/- each but remaining amount has been paid to widow of the deceased. It is submitted that parents of the deceased may be allowed more compensation than what has been allowed by the Tribunal.

The deceased was married son of Jasbir Singh and Saroj Bala and he left behind family consisting of his widow aged 36 years and children aged 15 and 13 years. The widow of the deceased has an obligation to look after the children who lost their father at a very crucial stage. There is nothing on record suggestive of the fact that father of the deceased had any disability to render him dependent upon the married son. In the given circumstances, I do not find any reason to tinker with apportionment of compensation made by the Tribunal. As such, finding no merit, the appeals fail and are accordingly dismissed in limine.

(Rekha Mittal)
Judge

23.05.2019

Mohan Bimbura

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