

FAO No. 8070 of 2017

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

FAO No. 8070 of 2017

Date of Decision: March 26, 2019

Sukhwant Singh

..... Appellants(s)

Versus

Jaswinder Preet Singh @ Jassas and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Gupta, Advocate
for the appellant.

LISA GILL, J. (oral)

This appeal has been filed seeking enhancement of the compensation awarded to the claimant vide award dated 11.05.2017, passed by learned Motor Accidents Claims Tribunal, Bathinda (hereinafter referred to as 'the Tribunal).

Petition under Section 166 of the Motor Vehicles Act was filed by the claimant seeking compensation on account of death of Mithu Singh i.e. appellant's father. It was pleaded that Mithu Singh lost his life in a motor vehicle accident, which took place on 25.07.2016, due to the rash and negligent driving of the offending Bolero Jeep bearing registration No. PB-03-AK-9700, by its driver Jaswinder Preet Singh @ Jassa - respondent no.1. Learned Tribunal while noticing that the deceased was 62 years old at the time of accident, assessed his income as Rs.9,000/- per month and awarded a sum of Rs.6,30,000/- along with interest of 7% per annum from the date of

institution of claim petition till the realization, the detail of which is as here under:-

<i>Sr. No.</i>	<i>Heads of Claim</i>	<i>Amount</i>
i.	Assessed monthly income	9000/- per month
ii.	One third of above (ii), deducted towards personal expenses of deceased	9000 - 3000 = Rs.6,000/-
iii.	Annual dependency of claimant	6000 x 12 = 72000/-
iv.	Compensation after applying multiplier of 7	72000 x 7 = 5,04,000/-
v.	Loss of love and affection to claimant	1,00,000/-
vi.	Funeral expenses	25,000/-
	Total compensation awarded	Rs.6,29,000/- (Rounded of to Rs.6,30,000/-)

Present appeal has been filed seeking enhancement of the aforesaid compensation.

I have heard learned counsel for the appellant.

It is not denied that the deceased was 62 years old at the time of his death. There is indeed no evidence on record to indicate the exact income of the deceased. Mithu Singh deceased was claimed to be cultivating 3½ acres of land besides maintaining few buffaloes and thereby earning a sum of Rs.25,000/- per month. Admittedly, there is no such evidence on record except the bald statement of the appellant, who testified as AW-1. In the given facts and circumstances of the case, learned Tribunal has rightly assessed income of the deceased to be Rs.9,000/- per month. Multiplier of 7

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has been correctly applied after effecting deduction of 1/3rd. Sum of Rs.1,00,000/- has been afforded towards loss of love and affection to the claimants besides Rs.25,000/- on account of funeral expenses.

Learned counsel for the appellant is unable to point out any ground for enhancement of compensation awarded by the learned Tribunal in view of the judgments of Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680** and **Magma General Insurance Company Ltd. v. Nanu Ram Alias Chuhru Ram & Ors. 2018(4) RCR Civil 333.**

No other argument has been addressed.

Learned counsel for the appellant is unable to point out any illegality, infirmity or perversity in impugned award 11.05.2017 passed by the learned Motor Accidents Claims Tribunal, Bathinda, which calls for any interference by this Court.

Appeal is accordingly dismissed with no order as to costs.

March 26, 2019.

Sunil

**(LISA GILL)
JUDGE**

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