

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

F.A.O. No. 5890 of 2018(O&M)

Date of Decision: 28.02.2019

General Manager Rajasthan State Road Transport Corporation
Hanumangarh Depot, through K.S.Meena, Chief Manager, Rajasthan State
Road Transport Corporation, Delhi Controlling Depot, Kashmiri Gate, Bus
Stand, New Delhi.

.....Appellant.

Versus

Rajni @ Harpinder Kaur and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Monika Singh, Advocate
for Mr. A.K.Gahlawat, Advocate
for the appellant.

LISA GILL, J (Oral).

This appeal has been filed by the appellant-General Manager, Rajasthan State Road Transport Corporation, Hanumangarh, through its Chief Manager, challenging the quantum of compensation awarded to the claimants-respondents by the learned Motor Accident Claims Tribunal, Sangrur (for short 'Tribunal'), vide award dated 05.05.2018 on account of death of Kuldeep Singh.

Claim petition under Section 166 of the Motor Vehicles Act, was preferred by respondents no.1 to 4 being the legal representatives of Kuldeep Singh, claiming compensation on account of his death in a motor vehicle accident which took place on 27.07.2012. Claimants are the widow,

minor child, who is dumb and parents of the deceased. It was averred that Kuldeep Singh (deceased) was a driver on Tavera Car bearing registration no. PB-13-S-9631 under the employment of Gurmail Singh son of Sarup Singh, resident of VPO Bhutal Kalan, Tehsil Moonak, District Sangrur. He was aged about 25 years at the time of the accident earning a sum of ₹11,000/- per month as well as ₹100/- per day as emoluments.

Learned tribunal, held that the accident was caused due to rash and negligent driving of the offending vehicle by its driver-respondent no.1- Jaswinder Singh. This finding is not under challenge in this appeal filed by the Insurance Company. Learned tribunal while assessing the income of deceased to be ₹8000/- per month being a professional driver, awarded a sum of ₹7,21,516/-, which is detailed as under:-

Sr. No.	Heads	Calculations
1.	Income	₹8000/-
2.	Addition of 40% for future prospects	₹3200/- per month
3.	Total income	₹11,200/-
4.	Deduction of 1/3rd for personal expenses	₹3733/-
5.	Annual dependency	₹7467 x 12 x 17=₹15,23,268/-
6.	Loss of consortium	₹40,000/-
7.	Loss of estate	₹15,000/-
8.	Funeral expenses	₹15,000/-
9	Total compensation	₹15,93,268/-
10	Amount deducted, which was already paid under Employees Compensation Act.	₹15,93,268/- - ₹8,71,120/-= ₹7,21,516/-

Heard learned counsel for the appellant.

Learned counsel for the appellant has made a valiant attempt to argue that income of the deceased has been wrongly assessed as ₹8000/- per

month. The claimants asserted that the deceased was earning a sum of ₹11,000/- per month. The employer of the deceased was stated to be giving a salary of ₹8000/- per month. The deceased was claimed to be earning another sum of ₹3000/- as emoluments. Learned tribunal has rightly assessed income of the deceased as ₹8000/- per month on the basis of the evidence on record. Learned counsel for the appellant is unable to point out any evidence on record to indicate that the deceased was not a professional driver under the employment of Gurmail Singh. In respect to the calculation of the compensation, she is not able to raise much of a challenge as the said calculation is admittedly in accordance with the guidelines of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors. 2017(4) R.C.R.(Civil) 1009.**

Therefore, keeping in view the facts and circumstances of the case, there is no ground whatsoever to interfere in the impugned award dated 05.05.2018 passed by the learned tribunal, Sangrur.

No other argument has been raised.

Learned counsel for the appellant is unable to point out any illegality or infirmity in the impugned award dated 05.05.2018 passed by the learned tribunal, Sangrur, which calls for interference by this Court at the instance of the appellant.

Appeal is accordingly dismissed with no order as to costs.

28.02.2019
s.khan

[LISA GILL]
Judge

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