IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 10631 of 2018 (O&M)
Date of decision: 23.5.2019

Surjit Kaur and others
.. Appellants

v.

Mohinder Singh (now deceased) through his LR and others
.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ishan Cooner, Advocate for the appellants.

...

AVNEESH JHINGAN, J. (Oral)

The award dated 20.4.2018 passed by the Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') has been assailed by the legal representatives of Bachan Singh seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act').

The facts necessary for adjudication of the present appeal are that on 11.4.2016, Bachan Singh was returning to his village. He was driving the motorcycle bearing registration No. PB-39C/0730 and his wife was the pillion rider. When they reached in the area of village Naushahra Kalan, the motorcycle was struck by a Maruti Gypsy bearing registration No. CH-01G/0395 (hereinafter referred to as 'the offending vehicle'). As a result of the impact, Bachan Singh sustained grievous injuries. He was taken

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to Civil Hospital, Rajpura where he was declared brought dead. FIR No. 52 dated 12.4.2016 was registered at Police Station, Shambhu.

The Tribunal considering the facts and appreciating the evidence adduced held that the accident was caused due to rash and negligent driving of the offending vehicle. The owner and the insurer were held jointly and severally liable to pay the compensation.

In the claim petition filed under Section 166 of the Act, it was pleaded that the deceased was working as a Contractor for constructing new houses and his earning was claimed as ₹20,000/- per month. The claimants failed to prove the occupation and earning of the deceased. The Tribunal assessed his monthly income as ₹8,000/-. The age of the deceased was 58 years, 10% future prospects were awarded, 1/4th deduction for self-expenses was made and multiplier of '9' was applied. ₹70,000/- was awarded under the conventional heads. The Tribunal awarded a total sum of ₹7,82,800/- along with interest @ 7% per annum.

Learned counsel for the appellants argues that the amounts awarded under the conventional heads are on the lower side. No other issue is raised.

The contention raised is not well founded. The amounts awarded under the conventional heads are as per the dictum of the Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, AIR 2017 SC 5157.**

There is no challenge to the income assessed, 1/4th deduction for self expenses and multiplier applied of '9'.

There is no scope for enhancement of compensation awarded under the conventional heads.

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The appeal is dismissed being without merits.

Since the appeal has been decided on merits, the question of limitation is left open.

(AVNEESH JHINGAN)
JUDGE

23.5.2019
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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