

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

F.A.O No. 16122 of 2018
Date of decision:- 03.07.2019

Mohinder Singh and anr. ...Appellants

Versus

Rajinder Arora and anr. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Gurcharan Dass, Advocate
for the appellants.

RITU BAHRI J. (Oral)

The present appeal has been preferred by the driver and owner-appellants (for short 'the appellants') against the award dated 16.04.2018 passed by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal') directing the appellants to pay the compensation to the claimants/respondents on account of death of Ritika in a road side accident cause by appellant No. 1 on 24.12.2015.

The learned Tribunal granted the compensation to the respondents, which reads as under:-

Sr. No.	Heads	Calculations
(i)	Earning	Rs.9000/- per month
(ii)	1/2 of (i) deducted as personal expenses of the deceased=	Rs.4500 per month
(iii)	Compensation after multiplier of 18 is applied	Rs.4500X12X18=Rs.9,72,000/-
(iv)	40% to be added as future prospects	Rs.3,88,000/-
(v)	Funeral expenses	Rs.15,000/-
(vi)	Loss of Estate	Rs.15,000/-
	Total compensation awarded	Rs.13,90,800/-

Learned counsel for the appellants has contended that the

learned Tribunal has taken the earning of the deceased on higher side, as the respondents have not led any evidence to show that the deceased was a bright student.

This argument is liable to be rejected as the learned Tribunal has dealt with this issue. It has been observed that the deceased was a student and was giving tuition's. She was a student of B.A part I and was studying in Guru Nanak Khalsa College for Women, Model Town Ludhiana. She was also taking part in modelling competitions. She had crossed step 2 in Hungama TV Captains Hunt and was invited for step 3. She secured 76% marks in All India Environment Awareness Competitions covered by Jim Corbett vide Roll No. 31582. She was also selected as Ms.Charms in BCM Arya Model School, Ms. Fresh, 2015 in Guru Nanak Khalsa College for Women, Model Town, Ludhiana. She had participated in Fevicryl Hobby Ideas Workshop and had bagged 3rd prize at LSSC U-19 Soft Ball Competition.

After hearing learned counsel for the appellants, the present appeal deserves to be dismissed as the respondents have proved that the deceased was a brilliant student and was taking part in extra curricular activities. The respondents have placed on record Ex C-1 to C-36 to prove that the deceased was doing very well in extra curricular activities and was a brilliant student as well. Thus, the earning taken by the Tribunal is not on the higher side.

Dismissed.

03.07.2019

G Arora

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No