

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

FAO No.15904 of 2018 (O&M)
Date of Decision: November 19, 2019

Karanjit Kaur and others

...Appellants

Versus

Rupinder Singh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None.

JAISHREE THAKUR, J. (Oral)

1. This is an appeal that has been filed seeking to challenge enhancement of the compensation as allowed by the Motor Accident Claims Tribunal, Patiala on account of death of Randhir Singh.

2. In brief, the facts are that an accident took place on 04.04.2017 when Randhir Singh was driving his motorcycle bearing no.PB23-E-7318, which struck by a Maruti car bearing No.HR05-M-1869. Harvinder Singh, son of Randhir Singh was a pillion rider on the motorcycle. Randhir Singh and Harinder Singh sustained injuries, however, Randhir Singh succumbed to the injuries at the time of the accident. Harvinder Singh noted the number of the offending vehicle as HR05-M-1869. On account of death of Randhir Singh, aged 47 years, a claim petition was filed seeking compensation. The claim petition was

contested by the Insurance Company as well as by the owner and driver of the offending vehicle. The Tribunal framed issues and based on the evidence led, awarded an amount of ₹ 10,45,000/- to the wife and two children of the deceased. Aggrieved against the said compensation, the instant appeal has been filed along with an application under Section 5 of Limitation Act seeking condonation of delay of 205 days in filing the appeal.

3. There was no representation on behalf of the appellants on the last date of hearing and the matter was adjourned for today, while granting last opportunity to the counsel to address arguments. No one has put in an appearance on behalf of the appellants despite last opportunity and the matter having been shown in the urgent list.

4. The Tribunal took the income of the deceased as ₹ 7500/- per month and deducted 1/3rd of his income towards personal and living expenses and thereafter, made addition of 25% in the income towards future prospects and applied multiplier of 13. The Tribunal also allowed a sum of ₹ 15,000/- towards loss of estate, ₹ 15,000/- towards funeral expenses and ₹ 40,000/- towards loss of consortium. Thus, a total amount of ₹ 10,45,000/- has been allowed as compensation to the appellants-claimants.

5. The compensation awarded by the Tribunal is in consonance with the judgment rendered by the Constitutional Bench in ***National Insurance Company Ltd. vs. Pranay Sethi & Ors., 2017(4) RCR (Civil) 1009.***

6. Finding no ground to enhance the compensation, the appeal is hereby dismissed.

November 19, 2019
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No