IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.278 of 2021
Decided on : 17.03.2021

Reliance General Insurance Company Ltd.

... Appellant

Versus

Smt. Durga Bharti and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sunil Kumar, Advocate
for the appellant.

(The proceedings have been conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J.

Challenge in the present appeal which has been filed under Section 173 of the Motor Vehicle Act, 1988, is to the Award dated 09.03.2020 passed by the Motor Accident Claims Tribunal, Gurugram (MACT). The appellant-Insurance Company being the insurer of the offending vehicle, as per Insurance Policy (Ex.PWX10) and on account of the driver-respondent No.4 holding a valid driving licence (Ex.RW1) and on account of the accident taking place on 01.01.2019, has been held liable to pay the amount.

The amount of compensation which has been assessed worked out @ Rs.28,64,140/- and the claimants are the widow and the minor daughter and the mother of the deceased who were held entitled to receive the said amount of compensation alongwith interest @ 7.5% per annum from the date of filing of claim petition till realization of the same.

To arrive at the said finding and while awarding the above said compensation, it was noticed that the deceased as such was working as Security Guard with M/s SVS Guarding Services Ltd, Sector-14, Gurugram, on a monthly salary of Rs.15,500/-, which was proved by producing the record Ex.PW2/F by PW-2 Pankaj who had brought the summoned record. His gross salary being Rs.15,523-, his annual income was assessed @ Rs.1,86,276/- and therefore, keeping in view his year of birth as 1980 as per Aadhar Card (Ex.PW1/5), he was held to be 39 years old at the time of accident.

Keeping in view the judgment passed in **'National Insurance Company Limited Vs. Pranay Sethi and others', 2017 (4) RCR (Civil) 1009,** an addition of 50% was made to his actual salary for future prospects to take the income @ Rs.2,79,414/- per annum and the personal expenses were assessed @ 1/3rd to come to the amount of Rs.1,86,276/- per annum. Thereafter, by applying a multiplier of 15, a sum of Rs.27,94,140/- had been assessed and in addition to that Rs.15,000/- for funeral expenses, Rs.40,000/- for loss of consortium and Rs.15,000/- for loss of estate had been awarded.

It was also noticed that an FIR No.2 dated 01.01.2019 was lodged (Ex.PWX4) at Police Station Sadar, Gurugram under Sections 279, 304-A IPC and Section 181 of the Motor Vehicles Act, 1988 and a final report had also been presented against the driver and the vehicle, which was a Volkswagen Polo. Thus, the involvement of the vehicle as such which was duly insured as such would go on to show that the liability had rightly been fixed upon the Insurance Company, while appreciating the evidence on record and keeping in view the fact the driver as such had driven the car in a rash and negligent manner, while causing the accident early in the morning of 01.01.2019 which led to the death of Pradip Kumar Mishra.

The amount of compensation has been assessed in the principles laid down by the Apex Court in the judgment of **'Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another', 2009 (3) RCR (Civil) 77,** as modified by the Constitution Bench in **Pranay Sethi (supra)**. Therefore, in the opinion of this Court no interference is made out in the well reasoned order passed. Resultantly, there is no merit in the present appeal and the same is dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

March 17, 2021
Naveen

Whether speaking/reasoned: Yes

Whether Reportable: Yes