

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

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(1)

FAO-7938-2014 (O&M)
Date of decision: 19.05.2022

Reliance General Insurance Company Ltd.Appellant
Versus
Dinesh Gogna @ Dishu and othersRespondents

(2)

FAO-7939-2014 (O&M)

Reliance General Insurance Company Ltd.Appellant
Versus
Hitu Verma and othersRespondents

(3)

FAO-7972-2014 (O&M)

Reliance General Insurance Company Ltd.Appellant
Versus
Dinesh Gogna @ Dishu and othersRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vipul Sharma, Advocate
for the appellants in all the appeals.

Mr. Tribhawan Singla, Advocate
for respondent No.2 in FAO-7938-2014 and
FAO-7972-2014 and
for respondent No.1 in FAO-7939-2014.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above appeals as they all pertain to the same accident which occurred on 14.09.2013.

The aforementioned three appeals were preferred by the appellant-insurance company to impugn the awards dated 31.03.2014 and 22.05.2014 passed by learned Motor Accidents Claims Tribunal, Ropar (hereinafter referred to as 'the Tribunal') in claim petitions filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the M.V.

Act') which were preferred by the claimants/respondents No.1 to 3 in FAO-7938-2014, claimant/respondent No.1 in FAO-7939-2014 and claimants/respondents No.1 to 3 in FAO-7972-2014 on account of the death of Ravi Kishan, Sunny Verma and Roohi Gogna respectively.

Brief facts as pleaded in the claim petitions preferred by the claimants/respondents may be noticed as thus. On 14.09.2013, Sunny son of Ravi Kishan, Ravi Kishan, Suman Lata, Aryan and Roohi Gogna @ Kishu (hereafter referred to as 'deceased') and Hitu Verma were travelling in a car bearing registration No.PB-08-BX-5270, which was being driven by deceased Sunny. At about 07:15 A.M., a truck bearing registration No.PB-12-M-9131 (hereinafter referred to as 'the offending vehicle') came from Nawanshahr side, driven rashly and negligently, by respondent Santosh Kumar and collided with the car of Ravi Kishan as a result of which five members of the family i.e. Roohi Gogna, Ravi Kishan, Sunny, Suman Lata and Aryan lost their lives.

On the basis of pleadings and the evidence led, the Tribunal awarded the following compensation to the claimants/respondents:-

Compensation on account of death of Ravi Kishan in claim petition bearing MACT Case No.7461/28.11.2013 (father of respondents No.1 and 3 and father-in-law of respondent No.2 in FAO-7938-2014):-

Sr. No.	Head	Amount
1.	Annual Income	Rs.3,02,778/-
2.	Deductions towards personal expenses (1/3rd)	Rs.1,00,926/-
3.	Annual dependency of the claimants	Rs.2,01,852/-

4.	Annual dependency after applying the multiplier of 7	Rs.14,12,964/-
5.	Funeral expenses	Rs.10,000/-
6.	Loss of estate	Rs.5,000/-
	Total compensation	Rs.14,27,964/-

Compensation on account of death of Sunny in claim petition bearing MACT Case No.75/25.03.2014 (husband of respondent No.1 in FAO-7939-2014):-

Sr. No.	Head	Amount
1.	Annual Income	Rs.2,58,700/-
2.	Deductions towards personal expenses (1/3rd)	Rs.86,233/-
3.	Annual dependency of the claimants	Rs.1,72,467/-
4.	Annual dependency after applying the multiplier of 17	Rs.29,31,939/-
5.	Funeral expenses	Rs.10,000/-
6.	Loss of consortium	Rs.5,000/-
7.	Loss of estate	Rs.5,000/-
	Total compensation	Rs.29,51,939/-

Compensation on account of death of Roohi Gogna in claim petition bearing MACT Case No.7474/12.12.2013 (sister of respondents No.1 and 3 and sister-in-law of respondent No.2 in FAO-7972-2014):-

Sr. No.	Head	Amount
1.	Annual Income	Rs.36,000/-
2.	Annual dependency after applying the multiplier of 18	Rs.6,48,000/-
3.	Funeral expenses	Rs.10,000/-
4.	Loss of estate	Rs.5,000/-
	Total compensation	Rs.6,63,000/-

Learned counsel for the appellant-insurance company has

impugned the aforementioned awards on the ground that they are not in consonance with the ratio of law as laid down in *National Insurance Co. Vs. Pranay Sethi : 2017 SCC 270; Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. : (2009) 6 SCC 121* and *Magma General Insurance Co. Ltd. Vs. Nanu Ram alias Chuhru Ram and others, 2018(4) RCR (Civil) 333*. It has been submitted that the impugned awards thus deserve to be set aside.

Learned counsel for the claimants/respondent on the other hand has opposed the prayer made by the counsel for the insurance company by urging that it was a very unfortunate case wherein almost the entire family of the claimants/respondents lost their lives. He submits that no interference is warranted in the awards which have been passed by the learned Tribunal and rather the compensation awarded is on the lower side and inadequate.

I have heard learned counsel and perused the relevant material on record including the impugned awards passed by the Tribunal.

Before proceeding further, it would be most pertinent to mention here that the claimants/respondents who lost almost all their immediate family members in the accident in question have neither impugned the award nor filed any cross-objections.

A perusal of the impugned awards reveal that the compensation awarded on the face of it is not in consonance with the settled ratio of law. It may be observed here that the M.V. Act is a piece

of social welfare legislation enacted with the purpose of providing just compensation to the dependents of the victims dying in motor vehicular accidents. Therefore, this Court, in the peculiar facts and circumstances of the instant cases, is of the considered opinion that the impugned awards be set aside and the cases be remanded back to the learned Tribunal concerned for deciding the aforementioned three claim petitions afresh.

Resultantly, the impugned awards are set aside and the cases are remanded back to the learned Tribunal concerned with the directions to decide the aforementioned claim petitions afresh after affording due opportunity of hearing to the parties concerned, in consonance with the settled law.

The parties are directed to appear before the learned Tribunal on 12.07.2022 and the learned Tribunal is directed to decide the claim petitions expeditiously, on priority basis, within four months from the date fixed for the appearance of the parties before the learned Tribunal i.e. 12.07.2022.

All the aforementioned appeals are disposed of accordingly.

19.05.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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