IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 6611 of 2019 (O&M)
DECIDED ON: 22nd MARCH, 2022

UNITED INDIA INSURANCE COMPANY LIMITED

.....APPELLANT

VERSUS

NACHHATTAR SINGH & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Nitin Gupta, Advocate
for the appellant.

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SANDEEP MOUDGIL, J

Instant appeal has been preferred by United India Insurance Company Limited (for short 'Insurance Company') against the Award dated 17th July, 2019 passed by the Motor Accident Claims Tribunal, Sangrur (for brevity 'Tribunal'), whereby, claimants have been awarded compensation under Section 166 of the Motor Vehicles Act, 1988 (for short 'Act') to the tune of Rs.19,60,000/- alongwith interest @6% per annum from the date of institution of claim petition till its actual realization, on account of death of Harmail Singh in a vehicular accident which took place on 13th September, 2018.

Brief facts of the case are that on 13th September, 2018, the deceased Harmail Singh was going to his village Gharachon from village Nagra on a motorcycle, which was being driven by the deceased himself on correct side and normal speed. At about 6.30 am, when he reached near

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Ananj Mandi, Gharachon, then, in the meantime, a Bolero car bearing registration No. PB-11-CD-6249 (hereinafter referred to as 'offending vehicle') which was being driven by respondent No.1 in a rash and negligent manner came from opposite side and struck against the motorcycle of the deceased. As a result of which, the deceased received multiple grievous injuries. Thereafter, immediately he was taken to Civil Hospital, Bhawanigarh where the doctors declared him brought-dead. On the statement of Harmeet Singh, FIR No. 226, dated 13th September, 2018 under Sections 304-A, 279 and 427 of the Indian Penal Code was registered at Police Station Bhawanigarh.

A claim petition under Section 166 of the Act was filed by father and two sons of the deceased. The wife of deceased was arrayed as proforma respondent No.4. The Tribunal after considering the facts and on appreciating the evidence adduced, held that the accident was caused due to the rash and negligent driving of the offending vehicle. The driver, owner and insurer of the offending vehicle were jointly and severally held liable to pay the compensation. The Tribunal awarded compensation of Rs.19,60,000/- alongwith interest @ 6% per annum.

While assailing the impugned award, it has been argued with vehemence by learned counsel for the appellant that the compensation awarded by learned Tribunal is exorbitant and is on higher side. The learned Tribunal without any basis assessed the income of the deceased as Rs.12,000/- per month. Whereas, at the time of accident, the minimum wages prevalent in the State of Punjab were Rs.8000/- per month only. Similarly, learned Tribunal further erred in awarding a sum of Rs.15,000/- on

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account of funeral expenses, Rs.15,000/- on account of loss of estate and Rs.40,000/- on account of loss of consortium. Otherwise also, there is no cogent and convincing evidence for the grant of compensation under these heads. Thus, the compensation awarded by the Tribunal deserves to be decreased.

Heard learned counsel for the appellant and perused the relevant documents produced by the appellant.

This Court has gone through the evidence led by both the parties. While taking into consideration the fact that deceased was an agriculturist, having one acre of land and he had also taken ten acres of land on lease for agricultural purpose; he owned a straw machine and was running a diary farm and selling milk and further taking into consideration the fact that daughter of deceased had been sent to Australia for studies and his son was pursuing Bachelor of Arts at Asra College, Nidampur, as is borne out of the testimonies of CW-2 Nachattar Singh father and CW-3 Hussanpreet Singh son of deceased, respectively, the learned Tribunal is found to have rightly assessed the income of the deceased to be Rs.12,000/- per month. There is no scope for interference so far as income part is concerned.

As per the decision of the Supreme Court in ***Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another (2009) 6 SCC 21***, the Tribunal has rightly made 3/4th deduction for self-expenses of the deceased and applied multiplier of '14' by taking the age of deceased to be 45 years. The Tribunal has also rightly awarded an amount of Rs.15,000/- towards loss of estate; Rs.40,000/- towards consortium and Rs.15,000/- towards funeral expenses, in view of the law laid down by the Apex Court in

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<u>National Insurance Co. Ltd. vs. Pranav Sethi and others;</u>* *2017 (4) RCR (Civil) 1009.

In the light of what has been discussed herein above, this Court does not find any merit in the instant appeal. Rather, this Court is of the considered view that the compensation awarded by learned Tribunal is just and adequate and not on the higher side. No ground for interference is made out.

Dismissed.

Pending application(s), if any, shall also stands disposed of.

22nd MARCH, 2022 **(SANDEEP MOUDGIL)**
sham **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

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