

Neutral Citation No.2023:PHHC:043150

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 8195 of 2017 (O&M)

Date of decision : 23.3.2023

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Sumit Kumar and another

.....Appellants

vs.

Dr. Gurjeet Kaur and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Bhanu Chaudhary, Advocate for
Mr. Varun Katyal, Advocate for the appellants.

Mr. Sachin Gupta, Advocate for respondent No.3 -
Insurance company.

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H. S. Madaan, J. (Oral)

On account of death of Samikshaw Abbi, aged about 31 years, stated to be doing private service, in a roadside accident, which took place on 20.10.2015, at about 8.15 P.M., in the area of near Forest Complex, Phase IX, Mohali, statedly, on account of rash and negligent driving of car bearing registration No. CH01-AN-4806 by Dr. Parminder Singh, legal representatives of the deceased, namely, her husband Sumit Kumar and minor daughter Angel, had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'), against respondents – Dr. Gurjeet Kaur- owner, Dr. Parminder Singh – driver and ICICI Lombard General Insurance Company., Chandigarh – Insurer of the said car.

After contest, the said claim petition was accepted by the

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Motor Accidents Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') and in terms of award dated 15.2.2017, a compensation of Rs.20,95,000/- was awarded to the claimants, payable by all the three respondents, jointly and severally alongwith interest @ 7.5% per annum from the date of filing of claim petition till the date of actual realisation.

Finding the compensation, so awarded, to be on lower side, the claimants have approached this Court by way of filing the present appeal, notice of which was given to the respondent No.3 – Insurance company, which has put in appearance through counsel.

I have heard learned counsel for the parties, besides going through the record and I find that the compensation awarded by the Tribunal is just and proper.

Keeping in view the fact that the deceased was aged 31 years, though it was claimed that she was working as a Computer Operator, besides giving private tutions, earning Rs.20,000/- per month, but on account of lack of evidence, the Tribunal had assessed her monthly income to be Rs.10,000/- and then compensation under various conventional Heads had been awarded. The compensation so awarded cannot be termed to be on lower side and I do not find any scope for enhancement of compensation. Therefore, the appeal is doomed for failure and is dismissed accordingly.

23.3.2023
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(H.S. Madaan)
Judge

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