



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1978 of 1994
Date of decision : 03.10.2024

Gyanti Devi and others
Versus
Rakesh Kumar and others

....Appellants
...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ashwani Arora, Advocate
for the appellants.

Mr. Aseem Aggarwal, Advocate
for respondent No.3.

PANKAJ JAIN, J. (ORAL)

Claimants are in appeal seeking modification of the award passed by the MACT, Chandigarh, dated 1st of February, 1994.

2. Claim petition was filed by the claimants seeking compensation on account of the death of Suraj Bali in a road-side accident. As per the claim petition, on the fateful day the deceased was lying on the footpath in front of Booth No.40-41 in Sector 29-C. A Maruti Car which was being driven in a rash and negligent manner by respondent No.1 came from Sector 29-30 and struck against the deceased. Deceased suffered serious injuries and later on succumbed to the same.
3. On the basis of the pleadings of the parties, following issues were framed by the Tribunal:

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- “(i) Whether the accident in question took place due to the rash and negligent driving of Maruti Car No.CHF-249? OPP
- (2) If issue No.1 is proved, to what amount of compensation, the claimant is entitled to and from whom? OPP
- (3) Whether the driver of vehicle No.CHF-249 was holding a valid driving licence at the time of accident? OPR
- (4) Relief.

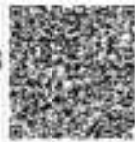
4. Tribunal held that the accident in which deceased Suraj Bali lost his life is proved to be the result of rash and negligent driving by respondent No.1.

5. I have heard Counsels for the parties and with their able assistance have gone through the records of the case.

6. The scope of the present appeal is confined to compensation i.e. issue No.2.

7. At the time of accident the deceased Suraj Bali was 20 years of age. He was Rikshaw puller and was earning Rs.25,00/- per month.. There is no dispute w.r.t. his income which has been assessed @ Rs.1,000/- per month. Deduction of 1/3rd has been rightly applied. However, nothing has been granted on account of future prospects. Thus, in view of ratio of law laid down by the Supreme Court in the case of ‘**National Insurance Company Limited vs. Pranay Sethi and others**’, 2017 (16) SCC 680, the appellants are entitled for grant of 40% of the monthly income of the deceased as future prospects. Keeping in view the age of the deceased at the time of accident, multiplier of 18 will be applicable as per dictum of

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law laid down in ‘Smt. Sarla Verma & others vs. Delhi Transport Corporation & another’ (2009) 6 SCC 121. Nothing has been paid under the conventional heads. The appellants are held entitled for an amount of Rs.48,000/- each, on account of loss of consortium. Further, amount of Rs.18,000/- each is granted for funeral expenses and Loss of Estate collectively.

8. As a sequel of the aforesaid discussion, the present appeal is disposed off. The Award passed by the Tribunal stands modified to the extent as stated herein above.

9. Disbursal as well as rate of interest shall abide by Para 26 of the Award.

10. Needless to say that any amount already paid to the claimants/appellants shall be set off.

11. Ordered accordingly.

October 03, 2024
Dpr

(PANKAJ JAIN)
JUDGE

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