



FAO-106-2025 (O&M)

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

(128)

FAO-106-2025 (O&M)
Date of decision:- 15.01.2025**New India Assurance Co. Ltd.****... Appellant****Versus****Aarti and and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL****Present:- Mr. Rahul Pathania, Advocate
for the appellant.************SUVIR SEHGAL, J. (ORAL)**

1. By way of present appeal, appellant-Insurance Company has approached this Court assailing award dated 23.10.2024 passed by the Motor Accident Claims Tribunal (for short "the Tribunal), Karnal.
2. Counsel for the appellant has been heard.
3. Claimants-respondents No.1 to 4 are the widow, two minor children and an aged father of Pawan Kumar, who was standing by the side of his tralla. He was hit by another tralla resulting in his death in the hospital. The offending vehicle, which was being driven by respondent No.5 in a rash and negligent manner, hit two other vehicles before hitting the deceased. An FIR bearing No.40 dated 03.02.2021 was registered under Sections 279, 304-A and 427 IPC by Sukhdev Singh-PW-3. Although, as per the final report, Ex.PW-4, submitted by the Investigating Agency, FIR was cancelled due to the death of the driver of the offending vehicle, but the

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factum of the accident stood established on the basis of the evidence led by the claimants. In their evidence, the claimants not only produced the eye-witness, but also the postmortem report of Pawan Kumar, Ex.P-5. Nothing could be pointed out by the counsel for the appellant to impeach the testimony of the witnesses and the documentary evidence produced by the claimant.

4. In so far as quantum of compensation is concerned, the claimants led evidence to the effect that the deceased was earning Rs.25,000/- per month. However, as the claimants failed to produce any documentary evidence to support the ocular evidence, the Tribunal disbelieved their version regarding the salary of the deceased. On the basis of the wage rates circulated by the Deputy Commissioner for driver of a heavy vehicle, the Tribunal assessed the income of the deceased at Rs.20,055/- per month. The deceased was 43 years of age and after applying a cut of 1/4th for his personal expenses, the Tribunal applied a multiplier of 14 in the light of the judgment of Supreme Court in **Sarla Verma Versus Delhi Transport Corporation, 2009 (3) Law Herald (SC) 2101**. The Tribunal further ordered Rs.15,000/- each for loss of estate and funeral expenses and Rs.40,000/- for loss of consortium. Following the dictum of the Supreme Court in **National Insurance Co. Ltd. Versus Pranay Sethi and others (2017) 16 SCC 680**, the Tribunal awarded a total compensation of Rs. 33,86,666/-. The Tribunal also recorded a finding that the deceased possessed a valid driving license, Ex.R-6, and as the offending vehicle was insured, the liability was fastened upon the appellant-Insurance Company.



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No interference is called for in the findings recorded by the Tribunal.

5. Finding no merit in the appeal, it is dismissed with no order as to cost.
6. Pending application is disposed off.

15.01.2025
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No