

FAO-8549-2017 (O&M)

2025.PHHC:065267



FAO-4749-2018 (O&M)

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

Date of decision : 14.05.2025

FAO-8549-2017 (O&M)

Shriram General Insurance Co., Ltd.

....Appellant

Versus

Ram Avtar & ors.

....Respondents

FAO-4749-2018 (O&M)

Ritu @ Reetu Rani & ors.

....Appellants

Versus

Ram Avtar & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Punit Jain, Advocate
for the appellant- **FAO-8549-2017**
for respondent No.3- **FAO-4749-2018**

None for the respondents- **FAO-8549-2017**
None for the appellants- **FAO-4749-2018**

PANKAJ JAIN, J.(ORAL)

1 These are cross appeals directed against the common award
dated 04.07.2017 passed by the Motor Accident Claims Tribunal, Patiala.

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2 **FAO-8549-2017** is at the instance of insurance company challenging the findings on issues no.1 and 3.

3 **FAO-4749-2018** is at the behest of the claimants asking the Court to revisit the assessment of compensation awarded by the Tribunal.

4 Mr. Punit Jain, Advocate for the insurance company while assailing findings on issue No.1 submits that the FIR was registered against unknown vehicle and unknown driver. Thus false implication of the vehicle insured by the appellant cannot be ruled out. However, he is not in a position to dispute that subsequent to registration of FIR police investigated the matter and filed report under Section 173 Cr.P.C. inducting the offending vehicle and the driver thereof. Charge-sheet Ex. P3 and report under Section 173 Cr.P.C Ex.P-4 have been proved on record.

5 In view thereof, this Court does not find any reason to interfere in the findings recorded by Tribunal on issue No.1 holding the offending vehicle bearing Registration No.HR-37-D-7776 insured by the appellant to be the reason of the accident having been driven in rash and negligent manner. The findings recorded by the Tribunal on issue No.1 are thus maintainable.

6 The claim petition relates to death of Malkeet Singh who died at young age of 26 years in a motor vehicular accident. In the absence of there being any evidence the Tribunal has taken his monthly income at Rs.8,000/- per month. Even as per the minimum wages notified by State for the relevant period, the same are Rs.7,627/- for the semi skilled worker.

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Nothing has been paid on account of future prospects. 40% need to be added. 1/4th deduction has been rightly applied. Multiplier of 17 has been rightly applied. However, Tribunal has granted consolidated sum of Rs.1.00 lakh for loss of love and affection. The same needs to be revised. In view of ratio of law laid down by Supreme Court in *National Insurance Co., Ltd., Vs. Pranay Sethi & ors., 2017(4) RCR (Civil) 1009* each of the claimants is for a sum of Rs.48,000/- for loss of consortium. The claimants are also entitled to Rs.18,000/- for loss of estate and Rs.18,000/- for funeral expenses.

7 Appeals are disposed off.

8 Needless to say that the claimants shall be entitled to interest @7% per annum on the enhanced amount for the period commencing from date of filing of the application till the date of actual realization.

9 Statutory amount be remitted to the Tribunal.

10 Photocopy of this order be placed on the connected file.

14.05.2025

Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No