

IN THE HIGH COURT OF DELHI AT NEW DELHI**+ MAC.APP.No.248/2009**

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Date of decision: 10th November, 2009

STATE OF UP

..... Appellant

Through : Mr. R.K.S. Yadav, Adv.

versus

RITA RANI GROVER & ORS.

..... Respondents

Through : None.

CORAM :-**THE HON'BLE MR. JUSTICE J.R. MIDHA**

1. Whether Reporters of Local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

JUDGMENT (Oral)

1. The appellant has challenged the award of the learned Tribunal whereby compensation of Rs.1,52,000/- has been awarded to claimants/respondents No.1 to 3.

2. The accident dated 6th December, 2006 resulted in the death of Rishikesh Grover. The deceased was survived by his widow, one son and one daughter who filed the claim petition before the learned Tribunal. The deceased was aged 65 years at the time of the accident and had retired from his service as a teacher. The deceased was getting a pension of about Rs.7,000/- per month and after his death his widow was getting half of the pension as family pension. The learned Tribunal deducted 1/3rd towards personal expenses of the deceased and applied the

multiplier of 5 to compute the loss of dependency at Rs.1,40,000/-. Rs.10,000/- has been awarded towards funeral expenses and Rs.40,000/- towards loss of love and affection. The total compensation awarded is Rs.1,52,000/-.

3. The only ground urged by learned counsel for the appellant at the time of hearing of this appeal is that the accident in question did not occur due to the negligence of the driver of PAC truck.

4. The accident in question was caused by PAC truck at Rajpur Road. The said truck hit the scooty driven by the deceased. There was head on collision between the two vehicles. The learned Tribunal gave the finding of negligence of the PAC truck on the basis of the site plan – Ex.PW5/R1 in which it was shown that the PAC truck was on the wrong side of the road and at the time of the accident it was moving to get into the correct lane. The site plan – Ex.PW5/R1 was corroborated by the statement of PW5.

5. There is no infirmity in the findings of the learned Tribunal with respect to the rashness and negligence. The amount awarded by the learned Tribunal is on a lower side. However, there is no appearance on behalf of the respondents.

6. For all the aforesaid reasons, the appeal is dismissed.

J.R. MIDHA, J

NOVEMBER 10, 2009

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