

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.1049 of 2003 (O&M)

Date of decision: 01.05.2015

Jaswant Kaur and others

..... Appellants

versus

Narinder Singh and others

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Madan Sandhu, Advocate for the appellants
Mr. Lalit Garg, Advocate for respondent No.3

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

Kuldip Singh, J. (Oral)

The appellants/claimants being not satisfied with the compensation awarded by the Motor Accident Claims Tribunal, Ludhiana (for brevity, 'the Tribunal') to the tune of Rs.1,45,000/- along with interest, vide award dated 6.11.2002, have filed the present appeal.

In this case, on 16.9.2000 Charan Singh aged about 49 years was going on a tractor bearing Registration No.PBU-298 along with its driver Parminder Singh. When they reached near Shamsheer Singh Eye Hospital, Bus Stand, Khanna, a Tata 407 bearing Registration No.PB-10-AE-9962 being driven by respondent No.1 – Narinder Singh, hit the tractor from behind as a result of which, Charan Singh fell down and received multiple grievous injuries. He

was first taken to Civil Hospital, Khanna and then was referred to Dayanand Medical College and Hospital, Ludhiana, where he ultimately succumbed to injuries on 7.10.2000. It was claimed that the deceased was employed on contract basis with agriculturist of village Rahaun and was also running a dairy and was earning Rs.4000/- per month. The Tribunal came to the conclusion that the income of the deceased was between Rs.1000/- and Rs.1200/- per month. Therefore, loss of dependency was assessed at Rs.750/- per month i.e. Rs.9000/- per annum. The multiplier of 14 was applied and compensation was calculated at Rs.1,26,000/-. Rs.15,000/- for medical expenses and Rs.4000/- for funeral expenses were allowed.

I have heard learned counsel for the parties and have also carefully gone through the award.

I am of the view that the compensation granted by the Tribunal is grossly inadequate. Even if the minimum wages of an agriculture worker are taken into consideration, as existing in the year 2000, these could not be less than Rs.2500/- per month. Keeping in view the fact that he was supporting family consisting of five members, including daughter of his sister, his income cannot be less than Rs.2500/- per month in any case. He was an agriculture labourer and was 49 years of age. Therefore, in the given circumstances, I am of the view that no future prospects are to be added since there was no scope of deceased's rising in the life to earn more income. Since number of dependents is four, 1/4th is to be deducted as personal expenses i.e. Rs.625/-, the dependency of the claimants Nos.1 to 4 comes to Rs.1875/-. Keeping in view the

age of the deceased, multiplier of 13 is applied. The amount of compensation comes to Rs.2,92,500/-. Rs.one lac for loss of consortium to the widow and Rs.one lac for loss of love and affection to the three children of the deceased are allowed. Rs.25,000/- for funeral expenses another Rs.25,000/- for loss of estate are also allowed. Rs.10,000/- as litigation expenses are also allowed. Rs.15,000/- granted as medical expenses by the Tribunal are maintained. The total amount of compensation which comes to Rs.5,67,500/- is ordered to be paid by the Insurance company to the claimants. 50% of the amount of compensation will go to the widow, who is to maintain day to day affairs of the family and remaining 50% shall be equally shared by claimants Nos.2 to 4. The claimant No.2, who was minor in the year 2000, now must have become major. Therefore, the amount be paid to her directly. Compensation shall be disbursed by depositing in the bank accounts of the claimants / appellants who shall furnish the details of their accounts before the Insurance Company/ Tribunal. The enhanced compensation shall be paid with interest @ 7.5% per annum from the date of filing of claim petition till its realization.

The appeal is allowed in aforesaid terms.

01.05.2015
gk

(Kuldip Singh)
Judge