

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1149 of 1992 (O&M)
Date of Decision:24.02.2015

Bhupinder Singh and another

....Appellants

Versus

Joginder Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. P.S. Punia, Advocate for the appellants.

Mr. G.D. Gupta, Advocate for respondent No.3-
National Insurance Company Ltd.

NAVITA SINGH, J.

1. Motor Accident Claims Tribunal, Ludhiana (Tribunal for short) was granted compensation of Rs.36,000/- to the appellants on account of death of Avtar Singh in a motor vehicle accident which took place on 3.1.1991. They came up in appeal for enhancement of compensation amount.

2. Learned counsel for the appellants argued that it was not at all properly considered by the Tribunal that on account of death of Avtar Singh, the appellants had to sell the cattle as the deceased was doing the work of dairy farming and was selling huge quantity of milk to Nestle India Ltd. He was also cultivating his land and was earning therefrom. The annual loss of dependency was taken to be Rs.3000/- which was not even pittance.

3. Counsel for the Insurance Company argued that it came in the cross examination of the son of the deceased that the family was still earning Rs.5000/- from the land and interest. They had sold the buffaloes and earned a good amount from that, which must have been invested by them or must be fetching interest. Though it came in evidence that milk was being sold to the Company

mentioned above, yet no books of account were produced by the appellants. If deceased was running a business, which related to sale of huge quantity of milk, it is a given that he must be maintaining proper accounts. So far as the loss of dependency is concerned, the view taken by the Tribunal is not liable to be reversed.

4. The other argument of counsel for the appellants that nothing was awarded towards loss of consortium and funeral expenses, is justified. The Tribunal though held that there was hardly any loss of income for the family, yet something should have been awarded under the conventional heads. Loss of guidance etc. would not come into play as the deceased had no such children as would need his constant attention and guidance. An amount of Rs.1,00,000/- is awarded towards loss of consortium and another amount of Rs.25,000/- for funeral and last rites expenses. The total amount of compensation shall now be Rs.1,61,000/-. Enhanced amount shall fetch interest at the rate of 6% per annum.

5. The appeal is, therefore, partly allowed.

**(NAVITA SINGH)
JUDGE**

24.02.2015
Ishwar

Whether to be referred to reporter: Yes