

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

(1)

FAO No. 1096 of 1997 (O&M)

Decided on: 8.7.2015.

The New India Assurance Company Limited and another

... Appellants

Versus

Gurcharan Singh Sodhi and others

... Respondents

(2)

FAO No. 1097 of 1997 (O&M)

The New India Assurance Company Limited and another

... Appellants

Versus

Gurcharan Singh Sodhi and others

... Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. Neeraj Khanna, Advocate,
for the insurance company-appellant.

None for respondent No.1.

K.C.PURI.J.

Vide this judgment, I intend to dispose of (i) FAO No. 1096 of 1997 titled as 'The New India Assurance Company and another vs. Gurcharan Singh Sodhi and others' and; (ii) FAO No. 1097 of 1997 titled as 'The New India Assurance Company and another vs. Gurcharan Singh Sodhi and others' arising out of the same accident and same Award dated 14.1.1997.

The New India Assurance Company Limited has

directed these two appeals against the common Award dated 14.1.1997 passed by Sh. B.S. Mehendiratta, Presiding Officer, Motor Accident Claims Tribunal, Patiala (for short “the Tribunal”) vide which the two claim petitions were accepted.

Briefly stated, Gurcharan Singh Sodhi and Harjinder Singh filed claim petition No. 96 of 1995 claiming compensation in respect of death of Parminder Singh Sodhi son of Gurcharan Singh Sodhi and brother of Harjinder Singh on 4.8.1994 at 8 PM in a motor vehicular accident. The said Gurcharan Singh and Harjinder Singh also filed claim petition No. 97 of 1995 claiming compensation on account of death of Kusum Lata daughter-in-law of Gurcharan Singh. The claim petitions were partly accepted. The insurance company has directed these two appeals against the Award dated 14.1.1997 passed by the Tribunal.

FAO No. 1096 of 1997

Learned counsel for the appellant has submitted that Gurcharan Singh Sodhi is father-in-law of Kusum Lata and as such he is not entitled to claim compensation on account of death of Kusum Lata her daughter-in-law.

Learned counsel for the appellant relying upon authority **Jitendra Khimshankar Trivedi and others vs. Kasam**

Daud Kumbhar and others 2015 ACJ 708 has submitted that father-in-law is not entitled to claim compensation in respect of death of daughter-in-law.

I have carefully gone through the said authority. In that authority, besides father-in-law, sister of the husband have filed claim petition on account of death of a household lady. In those circumstances, it was held that father-in-law cannot claim in the absence of the husband. In that case, the income of the deceased was taken as Rs.3000/- per month. 1/3rd amount was deducted in respect of personal expenses and the dependency was taken as Rs.2000/- per month and multiplier of 18 was applied in view of age of the deceased as 32 years. In the present case, Kusum Lata was proved to be in Government service. Husband of Kusum Lata has died in the same accident and no other claimant has come forward. The income of Kusum Lata from the salary was proved to be Rs.2930/- per month and dependency of father-in-law has been taken as Rs.750/- per month and as such the amount of Rs.1,26,000/- only was granted. It cannot be said that in the absence of any legal heir, father-in-law will not get any benefit of the daughter-in-law. The amount of Rs.1,26,000/- cannot be said to be excessive in respect of a lady who was earning Rs.2930/- per month. So, in these circumstances, FAO No.1096 of 1997 is without any merit and the same stands dismissed.

FAO No. 1097 of 1997

A sum of Rs.1,68,000/- has been allowed as compensation in respect of death of Parminder Singh son of Gurcharan Singh in a motor vehicular accident. The income of the deceased was taken as Rs.4732/- per month. The Tribunal has taken the monthly

dependency as Rs.1000/- only. The yearly dependency has been taken as Rs.12,000/- and multiplier of 14 has been applied in view of age of deceased and the amount of compensation was calculated as Rs.1,68,000/-. A sum of Rs.2000/- was allowed in respect of funeral expenses and Rs.2500/- was allowed in respect of loss of estate in case of death of each i.e. Parminder Singh and Kusum Lata. So, the amount cannot be said to be excessive. Otherwise also, the father has right to claim compensation in respect of death of his son. Compensation of Rs.1,68,000/- in respect of son drawing salary of Rs.4732/- per month cannot be said to be on higher side.

No other point has been urged before me.

In view of above discussion, the appeal is without any merit and the same stands dismissed.

8.7.2015.
SN

(K.C.PURI)
JUDGE