

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No. 2721 of 1996

Date of decision: January 14, 2015

United India Insurance Company Ltd. and another

...Appellants

versus

Ujagar Singh and others

...Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present: Mr. D.P. Gupta, Advocate, for the appellants

None for respondents no. 2 and 3

Fateh Deep Singh, J.

The appellants are the insurer and owner of truck No. JK-02C-2487 who jointly impugned award dated 13.5.1996 passed by learned Motor Accident Claims Tribunal, Sonapat.

Heard Mr. D.P. Gupta, Advocate for the appellants.

There is not much assailment to the factual situation as Sohan Singh deceased was driving truck No. DIL-2346 and the offending truck No. JK-02C-2487 was being driven by Girdhari Lal also deceased. It was

on 5.7.1993 around 11.30 PM, both these trucks met with an accident in the area of village Larsoli on the main GT road leading to the death of deceased Sohan Singh. It is undisputed that deceased Sohan Singh was aged around 26 years and was working as a driver. The findings of the Tribunal as to the manner of the accident is based on the statement of Jasbir Singh eye witness which evidence has not been rebutted by the respondents and what has led the Tribunal to hold that it was on account of fault of the offending truck being driven by Girdhari Lal deceased that accident has occurred resulting in the death of Sohan Singh and which fact could not be dislodged in the arguments of Mr. D.P. Gupta, counsel for the appellants.

The age of the deceased is corroborated by the post mortem report Ex. PB and the learned Tribunal, on the basis of statement of Ujagar Singh son of the deceased, has taken the salary of the deceased to be Rs 3000/- per month and has reduced and held that he must in all eventuality be earning Rs 2000/- per month. Learned Tribunal has applied multiplier of 15 when as per judgment in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and Anr., 2009(6) SCC 121** in such a situation it ought to be 17, which is on the lower side so as come to a reduced quantum of compensation. Even the compensation given under conventional heads is a mere pittance certainly needs to be brushed aside. Thus by that analogy the total compensation of Rs 2,80,000/- cannot in any manner be termed to be unjust and on the higher side and rather it is on the lower side. The

insurer has not even led any evidence to prove the factum that the licence in question was not legal and valid as specific issue was framed regarding this by way of issue no. 4. Thus from it all it can safely be concluded that there is no legal discrepancy much less perversity in the impugned findings. The appeal being without any merits, stands dismissed.

January 14, 2015
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(Fateh Deep Singh)
Judge