

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.722 of 2000 (O&M)
Date of Decision:21.10.2015

Amarjit Kaur and another

....Appellants

Versus

Harjinder Singh alias Rajinder Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. H.S. Sitta, Advocate for the appellants.

Mr. Gautam Pathania, Advocate for
Mr. Anupam Gupta, Senior Advocate for respondent No.2.

Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate for respondent No.3-
National Insurance Company Ltd.

NAVITA SINGH, J.

1. The Motor Accidents Claims Tribunal, Rupnagar (Tribunal for short) vide award dated 23.4.1999 awarded compensation to the tune of Rs.2,01,600/- for the death of Swaran Singh, to the appellants being the widow and son of Swaran Singh. The son was minor at the relevant time. Finding the compensation inadequate, the appellants came up in appeal for enhancement.
2. The accident had taken place on 9.4.2005 and Swaran Singh died while he was driving a maruti van and he was hit by truck No.PBU-1737. The Insurance Company was held liable to pay.
3. Counsel for the appellants argued that age of the deceased was taken to be 25 years but multiplier of 12 was applied, which should have been 18. It was then contended that the income assessed at Rs.2100/- per month was very low and there was evidence that Swaran Singh was owning the maruti van which he was driving and the same was being run as a taxi and his income was Rs.4000/- per month. So far as the income is concerned, the argument advanced on behalf of the appellants is not acceptable because no evidence was led by

them firstly to show that the vehicle was owned by the deceased and secondly that it was being used as a taxi. No document pertaining to ownership was produced nor there was any document showing that the vehicle was registered as a taxi. The income was, therefore, rightly assessed by the Tribunal as the accident had taken place in 1995. However, the multiplier was incorrect and, therefore, the compensation on account of loss of dependency would be Rs.3,02,400/-.

4. It was then argued by counsel for the appellants that nothing was awarded towards the conventional heads and for medical expenses because the deceased remained hospitalized for twelve days. Since the deceased was admitted in PGI as stated, an amount of Rs.10,000/- is awarded towards the medical expenses, which is quite sufficient considering the year of accident. An amount of Rs.50,000/- is given to the child for loss of love and affection and Rs.1,00,000/- to the widow for loss of consortium and Rs.5000/- for funeral expenses, which would also relate to the year of accident. Thus, total compensation is enhanced from Rs.2,01,600/- to Rs.4,67,400/-. Enhanced amount shall fetch interest @ 6% per annum.

5. The appeal is disposed of in the above terms.

**(NAVITA SINGH)
JUDGE**

21.10.2015
Ishwar

Whether to be referred to reporter: Yes/No