

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.825 of 1999 (O&M)

Date of Decision:23.01.2015

Baljinder Singh and others

....Appellants

Versus

Joginder Singh and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. S.C. Chhabra, Advocate for the appellants.

None for the respondents.

NAVITA SINGH, J.

1. Respondents had earlier been served and the matter was adjourned for awaiting appearance. No one had appeared ultimately and the respondents are proceeded against ex parte.

2. The appeal is preferred by the appellants for enhancement of the compensation granted by Motor Accident Claims Tribunal, Ferozepur (Tribunal for short) on account of death of their parents in a motor vehicle accident, which took place on 8.10.1995.

3. Counsel for the appellants argued that there were five members in the family of the deceased and personal living expenses were deducted to the extent of 1/3rd whereas deduction should have been 1/4th. Age of the deceased was 52 years i.e. the father of the claimants while that of the mother who also died in the same accident, was 50 years. Multiplier of 9 was applied though it should have been 11.

4. The next argument on behalf of the appellants was that after assessing an amount of Rs.2,59,200/- on the basis of income of deceased Veer Singh, the award was passed only for amount of Rs.2,70,000/-, which included

Rs.70,000/- awarded for the death of Jasbir Kaur. There was no explanation as to why an amount of Rs.59,200/- was deducted.

5. The arguments advanced on behalf of the appellants are convincing. Three sons of the deceased persons filed the claim petition, out of whom Baljinder Singh, appellant, was the oldest, who gave his age as 22 years at the time he stepped into the witness box. The other appellants were younger to him. They were, thus, dependents on their parents. Deduction should have been to the extent of 1/4th. The amount of Rs.59,200/- deducted without any reason is also liable to be added. Multiplier of 11 would be applicable. The compensation on account of income would now be Rs.3,46,500/-. An amount of Rs.59,200/- is to be added to this, which was wrongly deducted by the Tribunal. The finding of the Tribunal regarding award of Rs.70,000/- for the death of Jasbir Kaur need not be disturbed as the same was adequate and also that point has not been urged now. Total amount payable to the appellant shall be Rs.4,75,700/-. Enhanced amount shall get an interest at the rate of 6% per annum.

6. The appeal is allowed in the above said terms.

(NAVITA SINGH)
JUDGE

23.01.2015
Ishwar

Whether to be referred to reporter: Yes