IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2080 of 2004 (O&M)
Date of Decision: February 09, 2015

Vijay Rani and others ...Appellants

Versus

Inderjit Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Arun Bansal, Advocate for the appellants.

Mr. J.S. Chatrath, Advocate for Mr. Ashwani Talwar, Advocate for respondent No.3.

FATEH DEEP SINGH, J.

The claimants through this appeal have challenged the award dated 7.11.2003 passed by learned Motor Accident Claims Tribunal, Hoshiarpur, whereby a sum of ₹6,00,000/- along with interest @ 9% per annum was awarded for the death of deceased Satish Kumar.

Heard learned counsel for the parties. The sole ground that has been raised on behalf of the appellants is over the meagreness of the compensation. As has been argued the deceased though claimed to be running a shop and was earning ₹10,000/- per month, however, it has been held by the learned Tribunal that the claimants could not substantially proved this aspect. No doubt, it is not disputed that the deceased was aged between 40-42 years and the only semblance of evidence comprises of testimony of AW3 Pritam Singh, Senior Tax Assistant, who has proved income by way of Ex.A6 and Ex.A7 for the years 2001-02 and 2002-03 which is only pertaining to the period around which the accident has taken place and to the very query of the Court learned counsel for the appellants could not convince this Court nor the corroborative evidence shows that there was consistent assessment of income tax and merely payment of income tax for the two years does not suffices the purpose and cannot be taken to be a true indicator of the earnings. The learned Tribunal has rightly drawn the conclusions that in all likelihood the deceased must be earning ₹60,000/- per annum i.e. ₹5000/- per month and which is a reasonable amount in view of the evidence on the records and so discussed by the learned Tribunal. The learned Tribunal has wrongly deducted 1/3rd of these earnings for the own upkeep and maintenance of the deceased when the deceased admittedly has left behind a young widow, three minor daughters and a son and in this era of rising trend of prices and high cost of living the ends of justice demands that in view of the socio-economic status of the of family 1/4th needs to be deducted under that head and, therefore, in all likelihood the deceased must be contributing ₹3800/- per month for the running of the household and, therefore, annual dependency of the claimants comes to ₹45,600/-. Keeping in view the age of the deceased multiplier of 15 needs to be applied. Thus, the compensation comes to ₹6,84,000/-. Besides this, the family has lost their bread earner, the minor children their father, source of love and affection, wife has lost her life time companion, thus, under all these conventional heads including funeral expenses a sum of ₹2,00,000/- needs to be awarded. Thus, the total compensation comes to ₹8,84,000/- (Eight lacs and eighty four thousand). Thus, the awarded amount cannot be termed as just and fair.

The claimants shall be entitled to interest @ 7.5% per annum on the enhanced amount from the date of filing of appeal till realisation of the amount. Interim compensation paid, if any, shall be adjusted. Rest of the stipulations laid down in the impugned award need not be disturbed. However, it is made clear that if any of the minor claimant has attained majority his/her share shall not be put by way of FDR.

In view of these discussions, the impugned award stands modified and the instant appeal is allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

February 09, 2015
aarti