

In the High Court of Punjab and Haryana at Chandigarh

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F.A.O. No.4550 of 2006

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Date of decision:5.8.2015

Sham Sunder Dhanda and another

.....Appellants

v.

State of Punjab and others

.....Respondents

.....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Satinder Khanna, Advocate for the appellants.

Mr. N.K. Verma, Senior Deputy Advocate General, Punjab for
respondents No.1 and 2.

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Inderjit Singh, J.

This appeal has been filed by Sham Sunder Dhanda and Ram Mohan-appellants/claimants against State of Punjab, Punjab Roadways, Ferozepur depot and Gurnek Singh-driver/respondents for enhancement of compensation of ₹5,45,000/- along with interest @7.5% per annum from the date of filing of petition till realization awarded by the Motor Accident Claims Tribunal, Ludhiana, vide award dated 31.5.2006.

The brief facts of the case are that on 4.7.2002, Vijay Rani along with other residents of Jagraon started for Dera Baba Bhadbhag Singh on Tata-407 bearing registration No.PB-10S-9730, which was being driven by Sital Singh on the left side of the road from Jagraon to Ludhiana. It was

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2.40 p.m., they reached opposite Sartaj Palace, Near Sacred Heart Convent School on Ferozepur Road, Jagraon, a bus bearing registration No.PB-12C-9350 (hereinafter referred to as 'the offending bus') came from the opposite side which was being driven rashly and negligently by its driver Gurnek Singh and struck against the above said Tata 407 by coming on the wrong side of the road. Consequently, all the occupants of Tata 407 received injuries. Vijay Rani succumbed to her injuries. An FIR was also registered against Gurnek Singh, driver of the bus at Police Station Jagraon. The claimants are the legal representatives of deceased being sons of Vijay Rani, who was 51 years old. She was doing business. She was partner of M/s J.D. Industries, Jagraon. She was earning ₹15,000/- per month. The claimants have suffered a lot due to death of their mother Vijay Rani, so they have prayed that they are entitled for compensation from the respondents.

The respondents put in appearance and contested the claim petition filed by the claimants. After framing the issues and the parties led their evidence, the Tribunal awarded compensation of ₹5,45,000/- to the claimants in equal shares.

The Tribunal after considering the income of the deceased and by applying the multiplier reached to the amount of ₹5,39,826/- and further after considering the funeral expenses, total compensation amounting to ₹5,45,000/- has been granted. Aggrieved against this award, the present appeal has been filed by the claimants.

Notice of this appeal was given to the respondents. Mr. N.K.

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Verma, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of respondents No.1 and 2 and contested this appeal. Respondent No.3-Gurnek Singh-Driver has since expired.

After hearing learned counsel for the appellants and the learned State counsel, I find that appellant No.1 Sham Sunder Dhanda is aged about 39 years and appellant No.2-Ram Mohan is aged 29 years. Therefore, both the sons of Vijay Rani cannot be held as dependents upon Vijay Rani, whose income has been assessed on the basis of business income. The Tribunal has already granted ₹5,45,000/- as compensation to the claimants, whereas both the claimants are not dependents. As argued by learned counsel for the appellants, no amount on the ground of loss of estate has been awarded. As already discussed, as both the claimants were not dependents, therefore, the dependency is not to be calculated by applying the multiplier, but only the compensation on the ground of loss of estate etc. is to be awarded.

Keeping in view the facts and circumstances of the present case, I find that the amount of ₹5,45,000/- as awarded by the Tribunal is adequate amount and cannot be held that the less compensation has been awarded.

Therefore, keeping in view the facts and circumstances of the present case, I do not find any ground to enhance this compensation. Therefore, finding no merit in the appeal, the same is dismissed.

August 5, 2015.

(Inderjit Singh)
Judge

hsp

