

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3909 of 2006 (O&M)
Date of Decision: June 29, 2015

Surjit Singh

...Appellant

Versus

Smt.Surinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Arvind Seth, Advocate
for the appellant.

None for the respondents.

INDERJIT SINGH, J.

Appellant Surjit Singh (owner of offending Tata Sumo bearing registration No.DL-6CA-0216) has filed this appeal against Smt.Surinder Kaur and Balwinder Singh (claimants) and Nirmal Singh (driver of offending vehicle) and National Insurance Company Ltd. (Insurer of offending vehicle) proforma-respondents, challenging the impugned Award dated 08.03.2006 passed by learned Motor Accidents Claims Tribunal, Ambala, (hereinafter referred to as 'Tribunal'), vide which compensation of ₹5,60,000/- along with interest @ 6% per annum from the date of filing the petition till realization has been awarded to the claimants.

The brief facts of the case are that claimants Surinder Kaur and Balwinder Singh filed claim petition under Section 166 of the

Motor Vehicles Act, 1988 against Nirmal Singh, driver of Tata Sumo bearing registration No.DL-6CA-0216 (offending vehicle), Surjit Singh, owner and National Insurance Company Ltd., Insurer of offending vehicle, for grant of compensation on account of death of their son Harmeet Singh, aged about 21 years, in a motor vehicular accident. It is mainly stated that deceased was running a battery repair and manufacturing shop and earning ₹6000/- per month. It is the case that accident took place on 09.02.2003 at about 11.00 A.M. near HKM Photo Studio with the offending vehicle. FIR was also got registered. Harmeet Singh received serious injuries. He also remained admitted in the hospital till 15.03.2003, where he succumbed to the injuries. It is also stated in the claim petition that respondent-driver caused the accident by hitting the scooter of the deceased while coming on the extreme left side of the road.

On notice, respondents driver and owner mainly took the plea that no such accident has taken place. As the vehicle was not insured, the name of the insurance company was deleted.

Both the parties led evidence. The Tribunal after going through the evidence, awarded compensation of ₹5,60,000/- in equal share to be paid by respondents driver and owner.

Aggrieved from the above-said Award, Surjit Singh, owner of offending vehicle filed the present appeal.

Notice of motion was issued but none appeared on behalf of respondents No.1 and 2 despite service. Respondent No.3 was proforma respondent and respondent No.4 was deleted from the array

of instant appeal.

At the time of arguments, learned counsel for the appellant argued mainly on one point that the Tribunal has wrongly assessed the income of the deceased as ₹3,000/- per month, when there is no cogent evidence on record that he was earning ₹3000/- per month.

I have heard learned counsel for the appellant and have gone through the record.

From the record, I find that at the time of arguments, learned counsel for the appellant admitted that deceased was a student of polytechnic and was aged about 21 years. The Tribunal in the facts and circumstances has taken the income of the deceased @ ₹3,000/- per month. Even if it is taken that the deceased was not earning anything at that time, he being a student of polytechnic, is to earn income much more after completing the course. In no way, the income assessed by the Tribunal, can be termed as excessive. There is no merit in the argument of learned counsel for the appellant that the income of the deceased taken as ₹3000/- per month is excessive. Nothing has been argued regarding multiplier or deduction etc.

Keeping in view the above discussion, I find that the findings given by the Tribunal are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present appeal, the same is dismissed.

June 29, 2015
Vgulati

(INDERJIT SINGH)
JUDGE