

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.5815 of 2012 (O&M)
Date of Decision: February 10, 2015**

Satpal alias Raja and another ...Appellants

Versus

Sonu Kumar and others ...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rakesh Gupta, Advocate
for the appellants.

Mr. Sukhdarshan Singh, Advocate
for respondent No.3.

FATEH DEEP SINGH, J.

The claimants have challenged the award of learned Motor Accident Claims Tribunal, Kaithal dated 7.9.2012 feeling that the award of compensation to the tune of ₹2,99,000/- to be highly inadequate.

After hearing learned counsel for the parties and perusing the records of the case. The question as to the death of deceased Rishu in a motor vehicular accident due to the rash and negligent driving of pick-up van No.UK-07-CA-0087 by its driver Sonu Kumar has neither been challenged and, therefore, has attained finality qua issue No.1. The sole point of assailment is the quantum of compensation. Though, it is claimed that the deceased was an agriculturist, earning ₹18000/- per month, however, nothing tangible by way of documentary evidence has been led on

the records. Though, by learned counsel for the appellants it is sought to be claimed that the people usually do not have any documentary proof of agricultural income and it has been rightly controverted on behalf of the respondents that at least some semblance of evidence needs to be drawn by way of J-form that the agricultural land by way of revenue record of land owned and being cultivated by the deceased. Admittedly, the deceased is a bachelor and even considering his age to be 18 years as per the own stand of the claimants and which is not refuted by any of the respondents and in the absence of any cogent and reliable evidence considering his earning to be of a labourer and taking the daily wages existent at the time of this accident to be around ₹3500/- per month and which the learned Tribunal has done so and in view of the bachelor state of the deceased 50% needs to be deducted and, therefore, in all likelihood the deceased must be contributing ₹21,000/- per month. The learned Tribunal has rightly applied multiplier of 14 and, therefore, the compensation comes to ₹2,94,000/-. The contentions of the counsel for the appellants that nothing has been given under the conventional heads and the learned Tribunal has only granted a sum of ₹5000/- as funeral expenses certainly is contrary to the spirit of the law and the provisions of the Act. The family have lost their young son, a source of love, affection and protection as well as sustenance in life and thus, needs to be awarded a sum of ₹2,00,000/- under these conventional heads. Therefore, the total compensation comes to ₹4,94,000/- (Four lacs and ninety four thousand only).

Thus, the findings of the Tribunal qua this aspect needs to be rectified by way of modifying the findings on

issue No.2. No other argument has been raised.

In view of the above, finding the compensation to be highly inadequate the same needs to be modified by way of allowing the present appeal.

(FATEH DEEP SINGH)
JUDGE

February 10, 2015
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