

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

**FAO No. 1686 of 2013 (O&M)
Date of Decision:- 06.04.2015**

Amandeep Kaur

.....Appellant

Versus

Ishwar Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. Rajbir Singh, Advocate,
for the appellant.

Mr. R.K. Bashamboo, Advocate
for Insurance Company.

SHEKHER DHAWAN, J.

Being dissatisfied with the quantum of compensation awarded by the Motor Accidents Claims Tribunal, Sangrur (hereinafter to be referred as 'the Tribunal'), claimant Amandeep Kaur has filed the present appeal on account of death of her father Lal Singh (since deceased), for seeking enhancement of compensation.

2. Undisputed facts emerging from this case can be briefly stated as under: - On 28.05.2010, Lal Singh along with her wife Smt. Bant Kaur,

son Jagtar Singh, daughter-in-law Beant Kaur and grand-daughters Jassu and Mannu were going to Sullar Gharat on a tractor bearing registration No.PB-39-1396. Lal Singh was driving the tractor and Harbans Singh and his father Dalip Singh were following on their scooter. At about 10.00 A.M., when they reached in the area of village Mauran, a truck bearing registration No. PB-10-CH-9855, which was driven by respondent No.1 in a rash and negligent manner came from village Dirba side and struck against the tractor. Resultantly, all the occupants of the tractor sustained injuries. Jaspreet Kaur alias Jassu succumbed to the injuries and Jagtar Singh also succumbed to the injuries at PGI Chandigarh. The matter was reported to the police on 28.05.2010 by Harbans Singh.

3. Respondents contested the claim petition that 'The Tribunal' after considering the material and evidence available on file, awarded compensation of ₹5,64,840/- to the present appellant-Amandeep Kaur, whereas the claim petition qua Jasbir Singh, being son of Lal Singh, was dismissed, while recording the findings that he was a married son and not dependent upon the income of the deceased and as such the appeal before this Court.

4. Mr. Rajbir Singh, Advocate, learned counsel for the appellant took the plea that the Tribunal has not taken the income of the deceased correctly, whereas the income should have been taken to be ₹10,000/-. Learned Counsel for the appellant has also took the plea that The Tribunal has awarded a meager amount of ₹5,000/- on account of funeral expenses and another sum of ₹5,000/- on account of loss of Estate, whereas no amount has been awarded on account of loss of consortium and love and

affection. The annual loss of income has taken to be ₹42,680/- after deduction of amount on account of self dependency and making addition of 30% on account of future prospects of earnings. The multiplier has been applied correctly.

5. While arguing Mr. R.K. Bashamboo, Advocate, learned counsel for respondent No.3-Insurance Company took the plea that the Tribunal has rightly deducted 1/3rd amount on account of self dependency. The Tribunal has also rightly awarded no amount on account of consortium as her wife, namely, Bant Kaur also died. Appeal is without any merit and the same be dismissed.

6. Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that the facts are not disputed in this case that Lal Singh died and Amandeep Kaur is entitled to receive compensation. The income of the deceased has been rightly taken by the Tribunal and even multiplier has been correctly applied. However, the Tribunal has awarded meager amount of ₹5,000/- on account of loss of Estate and a sum of ₹5,000/- only on account of funeral expenses. The claimant is certainly entitled to receive a sum of ₹25,000/- on account of funeral expenses and ₹50,000/- on account of love and affection, on account of death of her father Lal Singh. That way the enhanced amount of compensation in this case shall be ₹70,000/- (₹20,000/- on account of funeral expenses + ₹50,000/- on account of loss of love and affection) and the enhanced amount would be payable by the respondents within a period of one month accordingly. In case, the respondents fail to make the payment within the stipulated period, the appellant shall be entitled to recover interest

@ 7½ % per annum. However, the remaining conditions regarding payment of amount of compensation/rate of interest and disbursal of amount shall remain unaltered.

7. Accordingly, the present appeal is accepted partly.

April 06, 2015
naresh.k

(SHEKHER DHAWAN)
JUDGE