

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

F.A.O No. 2 of 2013 (O&M)

Date of decision:- 17.09.2015

Universal Sompu General Insurance Co. Ltd.

...Appellant

Versus

Baljit Kaur and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Chandan Deep Singh, Advocate
for the appellant.

Mr. S.S. Sidhu, Advocate
for respondent Nos. 1 and 2.

Mr. Vijay Lath, Advocate
for respondent No.3.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI J. (Oral)

1. This appeal is by the insurance company disputing the liability foisted upon it by the Motor Accident Claims Tribunal, Ropar (for brevity, the 'tribunal'), vide its award/order dated 29.09.2012 whereby the appellant-Company (for short 'the appellant') was held liable to make the compensation to the tune of Rs.11,12,000/-.

2. The facts which are not in dispute are that on 26.06.2011, the deceased Damanjeet Singh was coming from his village BhakuMajra to Ropar, on his scooter bearing NO. CH-03-K-7752 and

when he reached in the area of village Jhallian Kalan, then from behind a jeep/trax bearing No. PB-10-Q(T)-7128 came at a very fast speed without observing traffic rules, driven by respondent No. 2 rashly and negligently hit the scooter of the deceased from behind, as a result of which he fell down on the road and received multiple grievous injuries and he was taken to Sangha Hospital from where he was referred to PGI, Chandigarh where he was declared dead. F.I.R No. 91 dated 26.06.2011 was registered at P.S Chamkur Sahib under Sections 279/304-A/427 IPC in this regard (Ex P2).

3. The deceased-Damanjeet Singh in the present case was 21 years old at the time of the accident and was working as a driver . The learned tribunal has taken the income of the deceased at Rs.13,000/- per month and the annual income comes to Rs.1,56,000/-. 50% was deducted towards personal expenses and loss of annual dependency comes to Rs.78,000/- and the multiplier of 14 was applied keeping in view the age of his parents. The compensation has been assessed at Rs.10,92,000/-. He was also allowed Rs.110,000/- towards funeral expense and Rs.5,000/- towards loss of consortium and Rs.5000/- towards loss of estate. The total compensation awarded to the claimants was Rs.11,12,000/-.

4 Learned counsel for the appellants has argued that the tribunal has erred in awarding the compensation to the claimants as

no such accident had taken place and further the learned Tribunal has wrongly taken the salary of the deceased at Rs.13,000/- per month as there was no documentary proof with regard to his income.

The argument of learned counsel for the appellant that no such accident had taken place is liable to be rejected, as the F.I.R had been duly registered in this case on the statement of Balbir Singh and challan Ex P5 has also been filed and respondent No. 2 is facing the trial.

The next argument of learned counsel for the appellant that the deceased was not working as driven on a monthly salary of Rs.10,000/- per month and his monthly income should be taken as Rs.6500/- per months is also liable to be rejected. Nirmal Singh in his statement has stated that the deceased used to earn Rs.10,000/- per months as salary along with diet money and was working as driver. Even if the salary of the deceased will be taken at Rs.6500/- per month, the compensation amount will remain the same, in view of the judgment of '**Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77**', '**Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54**' , '**Munna Lal Jain and another vs. Vipin Kumar Sharma and others, 2015(3) Recent Apex Judgments 459**', '**Asha Verman and others vs. Maharaj Singh and others, 2015(2) RCR (Civil) 520** and

Kalpanaraj and others v. Tamil Nadu State Transport

Corporation, 2015(2) SCC (Civil) 193. If we take the salary of the deceased at Rs 6500/- per month, an addition of 50% was to be given and 50% was to be deducted towards personal expenses as he was bachelor and multiplier of 18 would be applied and further loss of estate and loss of love and affection and funeral expenses was also to be given, the amount comes to almost the same, as awarded by the Tribunal.

In view of the above, the award dated 29.09.2012 passed by the Tribunal does not require any interference by this Court.

The appeal stands dismissed.

September 17, 2015
G Arora

(***RITU BAHRI***)
JUDGE