

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

**FAO NO. 2202 OF 2013 (O&M)
DECIDED ON : 17.03.2015**

United India Insurance Company Limited

...Appellant

versus

Shish Pal and others

...Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. Satish Jain, Advocate,
for the appellant.

None for the respondents.

K. C. PURI, J. (ORAL)

Challenge in this appeal is to the Award dated 24.01.2013 passed by Shri Rakesh Singh, Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhari, vide which claim petition preferred by the claimants was partly accepted and a sum of ₹1,90,000/- was allowed in respect of death of Budh Ram aged about 71 years in a motor vehicular accident.

The only point urged by learned counsel for the appellant, during the course of arguments is that since the claimants are major and as such, they are not dependent on the

income of the deceased and at the most the claimants are entitled to claim amount provided under Section 140 of the Motor Vehicle Act (in short "the Act").

To support his case, learned counsel for the appellant has relied upon authority **"Manjuri Bera vs. Oriental Insurance Company Limited and another" 2007 ACJ 1279** and **"P. Jonson vs. K. Preiasamy and another" 2012 ACJ 155.**

In the present case, the claimants are the children of deceased. It cannot be said that there is no loss to the children on account of death of their father.

So far as authority ***Manjuri Bera's case (supra)*** is concerned, the same is distinguishable from the facts of present case as in that case compensation was claimed in respect of married daughter who was not dependent on the deceased. In that situation, it was held that even then the claimants are entitled to claim compensation to the extent of compensation minimum prescribed under Section 140 of the Act. The case of married daughter cannot be equated with sons and daughter.

The authority ***P. Jonson's case (supra)*** relates to death of unmarried women aged about 44 years and the claimant in that case was a retired teacher getting pension and living separately from the deceased. So, that authority is also distinguishable from the facts of present case. The multiplier of 5 has been applied which is strictly in consonance with authority

"Sarla Verma and others vs. Delhi Transport Corporation and anr." 2009 (3) RCR (Civil) 77. The income also cannot be

said to be taken on higher side.

In view of the above discussion, no ground for interference by this court is made out.

Consequently, the appeal is without any merit and the same stands dismissed.

MARCH 17, 2015
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(K. C. PURI)
JUDGE