

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

**FAO No.1910 of 2015 (O&M)  
Date of Decision: July 14, 2015**

**Oriental Insurance Company Limited**

**.... Appellant**

**vs.**

**Amarjit Kaur and others**

**.... Respondents**

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:** Mr. Ashwani Talwar, Advocate for the appellant.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

**Kuldip Singh J.(Oral)**

Impugned in the present appeal is the order dated 18.12.2014 passed by the Motor Accident Claims Tribunal, Fast Track Court, Rupnagar (in short 'the Tribunal'), vide which compensation to the tune of ₹20,76,000/- was awarded to the claimants with interest @ 6% per annum.

The short facts, which are required to be noticed for the purpose of disposal of the present appeal are that Gian Singh (now deceased), who was truck driver by profession, claimed to be 32 years of age as per the postmortem report, was going back to his village Majari from Adda Market Dher along with his brother Gurmeet Singh on his motorcycle on 06.12.2013. When they were trying to turn their motorcycle toward the link road of village Gambhirpur and

Majari then another motorcycle bearing registration No.HP-20C-1189 being driven rashly and negligently at high speed without blowing horn struck against them. As a result of the accident, Gian Singh died at PGI, Chandigarh. The wife, minor son, minor daughter and mother of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988.

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

Before the Tribunal, it was pleaded that the deceased was a truck driver and earning ₹14,500/- per month plus ₹100/- per day. To substantiate the plea, the employer Balbir Singh was examined as PW3, who brought the ledger regarding payment of the salary to the truck drivers and stated that he was paying ₹14,500/- per month salary to the deceased and further sum of ₹100/- per day. His account book containing 24 pages was exhibited as Ex.P8.

The lower court record shows that Balbir Singh had employed many drivers and paid different salaries to the main driver and the second driver. Therefore, there is no reason to suspect the statement regarding employment, which is supported by the record. The Tribunal took the income of the deceased at ₹14,000/- per month. The Tribunal assessed the age of the deceased 32 years as per postmortem report and applied the multiplier of 16 and accordingly calculated the compensation.

The only contention of learned counsel for the appellant is that as per the school certificate Ex.R-4, the date of birth of the

deceased is 19.11.1975. Therefore, he was 38 years of age at the time of accident and multiplier of 15 should have been applied.

Admittedly as per the school certificate, the multiplier of 15 should have been applied, which would reduce the compensation to the tune of ₹1,26,000/-.

However, at the same time, it is noticed that no compensation has been awarded on account of loss of consortium to the wife, which as per the law laid down by this Court and Hon'ble the Apex Court should be ₹1,00,000/-. For loss of love and affection to the children, only ₹30,000/- have been granted, which should have been ₹1,00,000/-. Therefore, another sum of ₹1,70,000/- should have been awarded to the claimants. That would mean that if the recalculation is done, the amount would be enhanced. Therefore, the amount of compensation awarded by the Tribunal is just and proper.

It being so, there is no ground to interfere in the impugned award. Thus, the present appeal stands dismissed.

**July 14, 2015**  
sarita

**(KULDIP SINGH)**  
**JUDGE**