

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2448 of 2015
Date of Decision : 13.10.2015

Daljit Singh and anotherAppellants

Versus

Sukhwinder Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok K. Sharma, Advocate
for the appellants.

Surinder Gupta, J.

This is appeal by Daljit Singh and Gurdip Singh, driver and owner of Tata Safari No. PB-06-C-3737, against the award passed by Motor Accident Claims Tribunal, Patiala (later referred to as 'the Tribunal'), whereby compensation of ₹2,89,000/- was allowed for the death of Naib Kaur (later referred to as 'the deceased') in a motor accident with above mentioned Tata Safari (later referred to as 'the offending vehicle').

2. Learned counsel for the appellants has confined the argument only to the question of quantum of compensation and has argued that claimants are the married son and daughters of deceased. They are not dependent on the deceased and the Tribunal has committed grave error while calculating the amount of dependancy by taking into account the monthly income of the deceased, which was assessed as ₹ 3000/- per month. The claimants are only entitled to loss of love and affection as they are settled in their lives with their families.

3. As the award has been challenged only with regard to quantum of compensation allowed by the Tribunal, facts of the case are not being discussed in detail.

4. The accident took place on 04.12.2011. Deceased Naib Kaur, mother of claimants, was 52 years of age. The Tribunal assessed her monthly income as housewife to the tune of ₹36,000/- per annum i.e. ₹3000/- per month for the services she was rendering to the family.

5. Age of claimants Sukhwinder Singh was 31 years, Rani 30 years and Kulwinder Kaur 28 years at the time of filing of claim petition. Even if, they are major it cannot be said that they are not availing the benefit of services of the deceased. A mother during her entire life time takes care of her children and even grand-children and is always available for the help and guidance. A person remains dependent on his mother throughout his life, as such, the argument of learned counsel for the appellants that the claimants after attaining age of majority or after marriage were not dependent on the deceased, has no merit and is discarded.

6. In this case, the Tribunal has not assessed the income of deceased as ₹3000/- per month from her profession or business. This has been assessed for the services she was rendering to the family and in no manner is on higher side. The Tribunal has rather not allowed any compensation towards loss of love and affection and has calculated the amount of compensation by taking dependancy of the claimants on the services of deceased in monetary terms of ₹24,000/- per

annum. The amount of compensation of ₹2,89,000/- awarded in this case is not on higher side.

7. This claim petition has no merit and the same is dismissed.

October 13, 2015
jk

(SURINDER GUPTA)
JUDGE