

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

FAO No. 4941 of 2013 (O&M)

Date of decision : 28.9.2015

Binder Singh and another

... Appellants

VS

Pushpa Devi and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Alok Mittal, Advocates, for the appellants.

Mr. Ravi K.Matto, Advocate, for the respondents.

Rajesh Bindal, J.

Driver and owner of the offending vehicle are in appeal against the award of the Motor Accidents Claims Tribunal (Fast Track Court), Patiala (for short, 'the Tribunal').

The accident occurred on 24.6.2010 at about 12.15 PM, when Prem Chand and his son Sunil Kumar were going towards village Balbera from Patiala on his motorcycle. Des Raj brother of Prem Chand was following them. When they reached near village Saphera, a Swaraj Tractor Trolley bearing registration no. HR-06E-5805 which was being driven in a very rash and negligent manner by appellant no.1 Binder Singh, hit the motorcycle, driven by Prem Chand, from back side, as a result of which Prem Chand and his son Sunil Kumar fell down on the road and received multiple injuries. Appellant no.1 fled away with the offending vehicle from the spot. The injured were brought to the hospital, where Prem Chand was declared dead. FIR was registered. The dependents of deceased Prem Chand filed claim petition before the Tribunal, which was allowed and they were held entitled to compensation of ₹ 7,76,000/-. It is against this award, that the appellants are before this Court.

Learned counsel for the appellants submitted that the learned Tribunal has wrongly taken the dependency and further applied wrong multiplier for the purpose of assessment of compensation, on account of

which there would be difference of ₹ 1,52,000/- in the compensation awarded.

After hearing learned counsel for the parties, I do not find any merit in the submissions made.

The learned Tribunal has assessed the monthly income of the deceased as ₹ 6,000/- per month, out of which ₹ 4,500/- was taken as contribution towards family. A perusal of the assessment of compensation by the learned Court below shows that merely ₹ 5,000/- has been awarded on account of loss of estate, ₹ 5,000/- for funeral expenses. Hon'ble the Supreme Court had opined that for loss of estate minimum of ₹ 1,00,000/- and ₹ 25,000/- for funeral expenses should be awarded to the family of the deceased. Even if the contention of learned counsel for the appellants is accepted for arguments sake, still the compensation as assessed by the learned Tribunal considering the aforesaid facts, the amount will come close to the amount as already assessed by the learned Tribunal.

For the reasons mentioned above, I do not find any reason to interfere with the impugned award. The appeal is accordingly dismissed. The dismissal of the appeal will not prejudice the appeal, if any, filed by the claimants seeking enhancement of compensation, as the same shall be considered on its own merits.

28.9.2015
vs

(Rajesh Bindal)
Judge