

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

FAO No.5182 of 2013

Date of Decision: February 06, 2015

Bala and others

...Appellants

Versus

Daljit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vivek Suri, Advocate
for the appellants.

Mr. Gopal S. Nahel, Advocate
for respondent No.1.

Mr. Baljinder Singh Sra, Additional Advocate
General, Punjab for respondent No.2.

FATEH DEEP SINGH, J.

The only challenge by the claimants to the award of the learned Motor Accident Claims Tribunal, Sangrur dated 14.8.2012 is on its findings made by way of para No.29, whereby, the mother of the deceased Des Raj namely Tara Devi has too been awarded share of compensation and in the eventuality of her death to her heirs as per the succession certificate so issued. As has been canvassed by the learned counsel for the appellants that mother Tara Devi died on 15.3.1995, whereas, the accident took place resulting in death of the deceased on 4.2.2011 and, therefore, question of awarding compensation to pre-deceased mother does not falls within the ambit of the Tribunal and it is only the legal representatives/dependants who can claim

compensation for the loss of their dependency. Since the mother was no more at the time of the accident and death, therefore, her share does not deserve to be made. The learned Tribunal has certainly fallen into an error qua this aspect of the matter.

The findings of the Tribunal qua this is set aside and it is held that all the claimants shall be entitled to this compensation amount. However, rest of the stipulations need not be disturbed. The impugned award is accordingly modified and the instant appeal is allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

February 06,, 2015

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