IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.4654 of 2014

Date of decision: 8th January, 2015

Kamla Devi and others

… Appellants

Versus

M/s Shivam Enterprises and others

… Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Present: Mr. Surinder Sharma, Advocate
for the appellants.

FATEH DEEP SINGH, J.

Appellant-claimants have sought enhancement of compensation so awarded by the learned Motor Accident Claims Tribunal, Jalandhar through its Award dated 05.12.2013.

Upon hearing Mr. Surinder Sharma, learned counsel for the appellants. The factual aspect that it was on 20.02.2012 deceased Pandit Dharam Dev Arya was on scooter bearing registration No.PB-08AL-6646 which was hit by the offending car No.PB-37E-7880 and thereafter, another offending vehicle 'Tata 407' bearing No.PB-07AB-0812 struck against the scooter and crushed the deceased leading to his instantaneous death.

It is not questionable that the deceased was aged around 67 years, working as a Priest and earning ₹13,310 per month as salary though his earning is sought to be pegged at ₹29,421 per month. The Tribunal has considered the circumstances and the evidence and has come to a conclusion which is wholly justifiable that the deceased in all eventuality at this advanced age was earning ₹3,000-3,500 per month. The Tribunal has rightly rejected the solitary income tax return Ex.C8 which does not depict true income and earnings of the deceased when admittedly during the course of his job he was not assessed to income tax and after his alleged re-employment in the above job claims to be an income tax assessee, that too for a single period of time immediately around the accident period. Even the claimant son admits that he is employed as a private teacher and was aged 39 years at that time and thus, was not in any manner totally dependent upon the deceased for his upkeep and maintenance.

The learned Tribunal has rightly deducted 1/3 of the income as money spent on the own upkeep and maintenance of the deceased. Learned Tribunal has applied multiplier of 5 taking the age of the deceased to be 67 years in the light of age of the widow of the deceased and has thus, awarded a sum of ₹2,90,000 as compensation. The Tribunal has awarded ₹25,000 towards funeral expenses and ₹25,000 for the loss of consortium. The overall compensation so awarded appears to be just and equitable, though there is not detailed grant of compensation under various conventional heads and thus, needs to be ignored. The rate of interest of 7% p.a. as granted by the Tribunal also does not call for any interference. Taking the overall perspective of the scenario of the case of the claimants the total amount of compensation so awarded does not in any manner call for any indulgence and there has been a reasonably good award of compensation and therefore, finding no merit the appeal sands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

January 8, 2015
rps