IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.643 of 2013 (O&M)
Date of Decision: February 09, 2015

Sumitra Devi and another ...Appellants

Versus

Vinod and others ...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Abhimanyu Singh, Advocate for the appellants.

Mr. R.K. Saini, Advocate for respondents No.1 and 2.

Mr. M.B. Jain, Advocate for respondent No.3.

FATEH DEEP SINGH, J.

Learned Motor Accident Claims Tribunal, Bhiwani through impugned award dated 12.11.2012 awarded a sum of ₹2,68,400/- along with interest @ 6% per annum to the claimants-present appellants, who still aggrieved over the meagreness of this compensation have come up in this appeal.

Heard learned counsel for the parties. It is not put to question that it was on 29.6.2011 Satyawan @ Dholu, an 18 years old labourer, daily wage earner, died in a motor vehicular accident due to rash and negligent driving by Vinod Kumar driver of tractor trolley bearing No.HR-16J-9820 owned by respondent Tara Chand and insured with M/s Shri Ram General Insurance Company Ltd. The findings of the Tribunal have not been challenged by any of the respondents.

The sole contention raised on behalf of the appellants by their counsel is that the learned Tribunal has failed to consider in the right earnest the earnings of the deceased. No doubt, Sumitra Devi is mother and Shyam Lal is father of the deceased, who was unmarried. Though, it is claimed that the deceased was earning ₹6000/-per month, however, in the absence of any documentary evidence learned Tribunal has rightly concluded that keeping in view the prevalent daily wages at the time of the accident in all likelihood the deceased must be earning ₹4600/- per month which is a reasonable amount. The Tribunal has rightly deducted 50% of these earnings. Since the deceased is shown to be a bachelor and, therefore, must be contributing ₹2300/- per month for the running of the family and, therefore, total annual dependency comes to ₹27,600/-. Keeping in view the age of the deceased which is 18 years and it cannot be lost sight of the fact that the relative ages of the claimants are also material in determining the dependency as it is of much relevancy and, therefore, in view of the average ages of the claimants multiplier of 14 needs to be applied. Thus, the compensation comes to ₹3,86,400/-. The family must have spent money on the last rites and ceremonies of the deceased, besides, the loss of love and affection of their young son, a source of protection and sustenance in life and the learned Tribunal only awarded ₹20,000/- which is a highly meagre amount and, thus, under all these conventional heads a sum of ₹1,50,000/- needs to be awarded keeping in view the welfare nature of the Statute. Therefore, the total compensation comes to ₹5,36,400/-(Five lacs thirty six thousand and four hundred only).

The claimants shall be entitled to interest @ 7.5% per annum from the date of filing of the appeal till its realisation. Interim compensation paid, if any, shall be adjusted. Rest of the stipulations laid down in the impugned award need not be disturbed.

In view of the foregoing discussions, the impugned award is certainly on the lower side and needs to be modified. Thus, the impugned award is modified and the present appeal stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

February 09, 2015
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