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

**FAO No.4269 of 2015 (O&M)
Date of decision: 11.12.2015**

Reliance General Insurance Company Ltd.
….Appellant

Versus

Sohna Ram and others
….Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sanjeev Kodan, Advocate,
for the appellant.

RITU BAHRI J. (Oral)

Reliance General Insurance Company Limited-appellant has come up in appeal against the awarded dated 21.05.2015 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal'), whereby compensation of Rs.8,59,000/- has been awarded in favour of the claimants-respondent Nos. 1 and 2 on account of death of Pardeep Kumar in a motor vehicular accident which took place on 17.08.2013. Respondent Nos. 1 and 2 are parents of deceased Pardeep Kumar.

Brief facts of the case are that on 17.08.2013, at about 7.30 P.M., Rohtas was strolling on main Karnal-Assandh road. When he reached near Government School, his uncle's son namely Pardeep @ Pawan came there on a motorcycle bearing registration No. HR-40-A-9379. Thereafter, went towards Jalmana. When he covered a distance of 10-15 feet towards Jalmana, in the meantime an Innova car bearing registration No. HR-58-

7252 being driven by Sandeep Singh-respondent No.3 (respondent No.1 in the claim petition) in a rash and negligent manner came from Assandh side and struck against the motorcycle of Pardeep, as a result of which, he fell down. Pardeep was taken to General Hospital, from where he was referred to PGI, Chandigarh, where he died. With regard to the accident, FIR No.441 dated 18.08.2013, under Sections 279/304-A IPC was registered at Police Station, Assandh against Sandeep Singh-driver. Consequently, the claimants (respondent Nos. 1 and 2 herein) filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that Pardeep died due to a roadside accident which took place on account of rash and negligent driving of offending vehicle by Sandeep Singh-respondent No.3 and thus, returned the finding on Issue No.1 in favour of the claimants-respondent Nos. 1 and 2. This finding is rightly based on the deposition of Rohtas (PW-2), who was eye witness of the accident and on whose statement FIR (Ex.P3) was registered. Income of the deceased was assessed as Rs.6700/- per month as that of a daily wager. Out of this income, ½ amount was deducted towards personal expenses of the deceased. Dependency of claimants, thus, came to be Rs.3350/- per month i.e. Rs.40,200/- per annum. At the time of death/accident, the deceased was 25 years of age and multiplier of 18 was applied. Hence, the claimants were found entitled to Rs.7,23,600/- (3350 x 12 x 18) as compensation. Apart from this, a sum of Rs.10,000/- was awarded on account of transportation of dead body, Rs.1,00,000/- on account of loss of love and affection and Rs.25,000/- as funeral expenses. Thus, in all, the claimants were held entitled to total compensation of Rs.8,58,600/- i.e.

Rs.8,59,000/- along with interest at the rate of 9% per annum from the date of filing of the petition till actual realization. Feeling dissatisfied with the impugned award, the claimant-Insurance Company has preferred the present appeal.

I have heard learned counsel for the appellant and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. This appeal has been filed on the ground that the claimants are in possession of a Below Poverty Line (BPL) card, which is issued by the State Government to the families, who are not earning more than Rs.22,000/- per annum. During the cross-examination of Beero Devi, mother of deceased (PW-1), she had admitted that her family is covered under the BPL. The object to giving BPL card is to provide some assistance to the people who are living below the poverty line.

This argument of learned counsel for the appellant is liable to be rejected. Income of deceased has been taken as Rs.6700/- per month as that of a daily wager as per instructions dated 20.06.2013 issued by the Deputy Commissioner, Karnal. Therefore, no fault can be found in the order of the Tribunal while assessing the income of deceased as the same has been assessed on the basis of instructions issued by the Government. Moreover, as per post mortem report (Ex.P6), at the time of accident/death, the deceased was 25 years old. Keeping in view the age of deceased, multiplier of 18 has rightly been applied.

After going through the impugned Award, this Court is of the view that the compensation has rightly been assessed by the Tribunal after appreciating evidence in the right perspective and no illegality, much less perversity has been found therein warranting interference by this Court.

Resultantly, the present appeal is dismissed being devoid of any merit.

(RITU BAHRI)
JUDGE

11.12.2015
ajp