IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.9728 of 2014
Date of decision: 20.04.2015

Smt.Beant Kaur and others

….. Appellants

versus

Sikander Singh and others

……Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. Amandeep Rana, Advocate for the appellants

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

Kuldip Singh, J. (Oral)

Claimants have filed this appeal against award dated 21.8.2014, passed by the Motor Accident Claims Tribunal, Kurukshetra (in short, 'the Tribunal'), vide which, on account of death of Tejender Mohan Singh in a motor vehicular accident, a compensation of Rs.54,09,000/- was awarded to the claimants / appellants along with interest @ 7.5% per annum from the date of filing of claim petition till its realization.

In nutshell, the deceased Tejender Mohan Singh, aged about 35 years and 9 months (as per his date of birth mentioned in income tax returns), at the time of accident while he was travelling in his car bearing registration No.HR-41C-2525, was hit by a private bus bearing registration No.HR-37B-8562, being driven by Sikander Singh-respondent No.1. As a result of the accident, Tejender Mohan Singh died. An FIR No.246 dated 15.7.2013 under Sections 279 and 304A IPC was registered at Police Station Pehowa. It was claimed that the deceased was a partner in firm M/s Taj Money Changers, Pehowa and earning Rs.50,000/- per month. He was also having agricultural land.

Learned counsel for the appellants has argued that in this case, multiplier of 15 was wrongly applied. In this case, age of the deceased was 35 years and 9 months and in such circumstances, multiplier of 15 was correctly applied.

Learned counsel for the appellants has further argued that in this case, income of the deceased was wrongly assessed. The perusal of the award shows that the accident took place in the year 2013. Two income tax returns i.e. for the assessment year 2005-2006 and 2006-2007 were produced before the Tribunal and the income mentioned therein which was taken into consideration after deduction of the income tax and thereafter, an increase of Rs.20,000/- per year was allowed and the income was calculated at Rs.3,45,600/-. Even though there was no proof that the deceased was having any income after the assessment year 2006-2007 and was income tax payee. Therefore, the findings are rather favouring the claimants. The compensation under the head of love and affection and loss of consortium has also been awarded.

In totality, I am of the view that there is no scope for enhancement of compensation as more than adequate compensation has already been awarded. It being so, I do not find any merit in the appeal. The same is accordingly dismissed.

20.04.2015 **(Kuldip Singh)**
gk **Judge**