

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.827 of 2015 (O&M)

Date of Decision: January 29, 2015

Shri Ram General Insurance Company

...Appellant(s)

Versus

Mange Ram and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. Varun Sharma, Advocate for
Mr. Tajinder K. Joshi, Advocate
for the appellants.

ANITA CHAUDHRY, J.

CM-2183-CII-2015

1. For the reasons set out in the application, which is supported by an affidavit, same is allowed and delay of 469 days in re-filing the appeal is condoned.

CM-2184-CII-2015

2. For the reasons set out in the application, which is supported by an affidavit, same is allowed and delay of 233 days in filing the appeal is condoned.

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3. This appeal has been filed by the Insurance Company against the award dated 11.10.2012, passed by the Motor Accident Claims Tribunal, Hisar (here-in-after referred to as the Tribunal).
4. Heard.

5. The submission made on behalf of the appellant-insurance company is that the Tribunal had considered the income of 75 years old person at Rs.4,000/- per month and the amount awarded was on the higher side and the driver did not have the license to drive a goods vehicle.

6. I have gone through the award.

7. The claimants had pleaded that their mother used to sell milk and had an income of Rs.7,000/- per month. It had been pleaded that the deceased was 75 years old. The Tribunal considered the income at Rs.4,000/- per month and applied the multiplier of 5 and calculated the loss to be Rs.1,60,000/-. To this, a sum of Rs.5,000/- was added for funeral expenses, a sum of Rs.5,000/- was added for loss of estate and a sum of Rs.25,000/- was added for loss of love and affection; raising the total to be Rs.1,95,000/-. The compensation cannot be said to be on the higher side. A house-wife and a mother also contributes to the family and her services can not be replaced. The family would have to incur some additional expense to keep a house keeper where the family has small children. The elder in the house consistently renders some services which cannot be evaluated in terms of money and no change should be made. I find that the Tribunal had added a sum of Rs.94,938/- for the amount spent on the purchase of medicines because Patauri Devi met with an accident on 11.06.2011 and died on 15.07.2011. The claimants were also entitled to the amount that was spent on the treatment.

8. On the issue of license, the Tribunal had noted the submissions that the offending vehicle was a light goods vehicle whereas the driver had a license to drive a light motor vehicle. The license did not authorize the driver to drive a transport vehicle, therefore, the insurance company was given the recovery rights. There is no infirmity in the finding. The appeal is dismissed at the initial stages without notice.

(ANITA CHAUDHRY)
JUDGE

January 29, 2015
sunil