

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

FAO No.1943 of 2005
Date of decision: 12.02.2016

Sivaswar Singh and others

..... Petitioner

VERSUS

Balbir Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

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

Mr. Munish Puri, Advocate,
for respondent No.1.

Mr. Karan Singla, Advocate,
for respondent Nos.2 and 3.

Mr. B.S. Taunque, Advocate,
for respondent No.4.

1. Whether reporters of local papers 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 ?

K.KANNAN, J. (ORAL)

1. The appeal is for enhancement of claim of compensation brought at the instance of the parents and brothers of the deceased, who was 22 years of age and was said to be a person from Bihar and employed at a petrol pump. He was admittedly alighting from the bus when the bus was still in motion and the version of the eye-witness was taken by the Tribunal only to hold that no negligence could be attributed to the driver and the claimant must take the consequences of his own rash act but provided for

compensation on no fault basis under Section 140 of Motor Vehicles Act.

2. In buses that have no doors, to prevent a person from getting down even when the bus is in motion, the driver shall at all times be careful and any person who is getting down from the vehicle must also be careful that the bus had come to stop. There were faults on both sides. More beneficent approach in this case would appear to me is to invoke Section 163(A) and make available compensation taking me average income of the deceased as ₹ 3500/-. I will tabulate all the heads of claim as under:-

FATAL ACCIDENTS			
	Date of accident	01/08/02	
Age:		22 years	
Occupation	Petrol Pump		
Claimants	Parents, 2 brothers (younger)		
	Heads of claim	Tribunal	High Court
Sl. No.		Amount (Rs.)	Amount (Rs.)
1	Income		3,300/-
2	Add, % of increase 30%/50%		
3	Deduction 1/3		2,200/-
4	Multiplicand (annualised)		'26,400
5	Multiplier		17
6	Loss of dependence		4,48,800
7	Medical expenses		
8	Loss of consortium		9, 500
9	Loss of love and affection		
10	Loss of estate		
11	Funeral Expenses		
	Total	50, 000	4,58,300

3. The amount payable as compensation shall be ₹ 4,58,300/- and the additional amount over what has already been provided by the Tribunal shall also attract interest @7.5% from the date of petition till the date of payment. The benefit of additional compensation shall be distributed between the parents but I make no provisions for the brothers added as dependent on the parents and not on the brothers. The amount shall be

distributed equally between the parents. The liability shall be on the insurance company.

4. The award passed by the Tribunal stands modified and the appeal is allowed with the above observations.

12.02.2016

Bhumika

(K.KANNAN)

JUDGE