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

FAO No.3730 of 2009 (O&M)

Date of Decision : 08.04.2016

Bharat Gas Agency and another

..... Appellants

Versus

Kamaljit Kaur and others

..... Respondents

FAO No.5490 of 2010 (O&M)

Kamaljit Kaur and another

..... Appellants

Versus

Bharat Gas Agency and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.S. Saini, Advocate for
Mr. G.S. Kaura, Advocate and
Mr. Dinesh Ghai, Advocate for the appellants
(in FAO No.3730 of 2009) and for respondents No.1 and 2
(in FAO No.5490 of 2010)

Mr. Puneet Sharma, Advocate for the appellants
(in FAO No.5490 of 2010) and for respondents No.1 and 2
(in FAO No.3730 of 2009)

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?

AJAY TEWARI, J. (Oral)

This order shall dispose of the aforementioned two
appeals, which have been filed against the award of the Motor

Accident Claims Tribunal, S.A.S. Nagar (Mohali) awarding compensation of ₹5,40,000/- along with interest @ 9% per annum on account of death of Baljinder Singh (aged 32 years) in motor vehicle accident.

For the sake of convenience, the facts are being taken from FAO No.3730 of 2009 (O&M).

Brief facts are that on 02.05.2006 at about 08.20 A.M. deceased Baljinder Singh and his brother namely Karnai Singh were going for their duties on their respective cycles. When they reached near Tempo Union Chowk in Industry Area Phase 9, Mohali, then a tractor trolley bearing No.PB-47-3051, being driven by respondent No.3, rashly and negligently at a very high speed came from back side and struck against the motor cycle bearing No.PB-11-N-9914 and then against the cycle of deceased Baljinder Singh, due to which he fell down and the tractor trolley crushed the deceased, as a result of which he died at the spot.

Learned counsel for the appellants has argued that in the criminal case one PW-6 was examined whose testimony has not been considered.

I fail to understand the relevancy of the testimony of a stranger in another case which has not even been brought on the record of this case. In these circumstances, no fault can be found in action of the Tribunal in not considering this argument and with the finding that the accident took place with the tractor owned by the appellants and driven by respondent No.3 in a rash and negligent manner.

Consequently, the appeal bearing FAO No.3730 of 2009 is dismissed.

As regards the appeal filed by the claimants, learned counsel for the claimants has argued that the Tribunal has erred in applying the multiplier of 15 whereas it should be 16 as per the age of the deceased as held by the Hon'ble Supreme Court in **Sarla Verma and others Vs. Delhi Transport Corporation and another**, 2009 ACJ 1298.

I find it to be correct.

Learned counsel has further argued that nothing has been awarded on account of consortium, loss of love and affection and funeral expenses.

I find this also to be correct.

Keeping in view the entire conspectus of facts, I award ₹01 lac towards loss of consortium and a sum of ₹01 lac towards loss of love and affection to respondent No.1-widow and another sum of ₹50,000/- to respondent No.2-minor son towards loss of love and affection and further ₹25,000/- is awarded for last rites as also multiplier of 16.

The enhanced amounts shall be paid along with interest @ 9% per annum from the date of filing of the claim petition till realization. Apart from the individual amounts awarded, the apportionment and management would be as per the direction of the Tribunal.

The appeal bearing FAO No.5490 of 2010 is allowed in the above terms and the award is modified accordingly.

Since the main cases have been decided, the pending civil miscellaneous application, if any, also stands disposed of.

April 08, 2016
jt

(AJAY TEWARI)
JUDGE