

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

FAO No.2679 of 2016(O&M)

Date of Decision: May 12, 2016

General Manager of PRTC, Budhlada Depot ...Appellant

Versus

Manpreet Kaur and others ...Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr. Anupam Singla, Advocate
for the appellant.

HARINDER SINGH SIDHU, J.

For the reasons mentioned in the application, delay of 9 days in filing the appeal is condoned.

This is an appeal by the PRTC (Punjab Road Transport Corporation) through its General Manager against the Award dated 04.11.2015 passed by the Motor Accident Claims Tribunal, Mansa (for short 'the Tribunal'), whereby, a sum of Rs.10,20,000/- along with interest was ordered to be paid as compensation for the death of Jai Singh @ Rai Singh in a vehicular accident.

Brief facts of the case are that on 3.12.2014, at about 9 AM, Jai Singh @ Rai Singh (since deceased) along with Nirmal Singh was going from Budhlada to village Dodra on motorcycle bearing No.PB-31-D-3463. When they reached at village Chak Bhaike on main Budhlada to Sunam Road, then a PRTC bus bearing No.PB-31-F-8419, being driven by Bhim Singh in a rash and negligent manner, came from opposite direction and hit

the motorcycle. As a result, Jai Singh @ Rai Singh suffered multiple injuries and died at the spot.

The dependants of the deceased filed claim petition under Section 166 of the Motor Vehicles Act, 1988, whereby, the compensation, as aforesaid was awarded.

Learned counsel for the appellant-Corporation has contended that the bus of the Corporation has been involved in the case falsely only to get compensation. He has further contended that there is no evidence on record fortifying the involvement of the offending bus. The second contention is that the Tribunal also fell in error while applying the multiplier of 16. Relying on the decision in Smt. Sarla Verma and others vs. Delhi Transport Corporation and Anr, 2009(6) SCC 121, it is submitted that since the deceased was 38 years old, the Tribunal ought to have adopted the multiplier of 15.

Dealing with the first contention regarding involvement of the offending bus in the accident, it has come on record that that the claimants had examined PW-1 Nirmal Singh who deposed regarding the accident. He had also received multiple injuries on his body in the accident. Further, FIR No.87 dated 03.12.2014 under Section 279/304A IPC was registered in Police Station Budhlada on the day of accident itself. Neither Bhim Singh, driver of the offending bus, nor its owner stepped into the witness box to deny the pleadings of the claimants that the accident had been caused due to rash and negligent driving of the offending bus.

This Court in Girdhari Lal vs. Radhey Shyam and others, 1993(2) PLR 109, observed about the evidentiary value of pendency of

criminal proceedings against the driver, in a case of compensation under the Motor Vehicles Act, as under:-

“xxx xxx xxx There is no denial that Radhey Shyam respondent was being tried on account of rash and negligent driving by the Additional Chief Judicial Magistrate in a case State v. Radhey Shyam. Thus, it is prima facie safe to conclude that the accident occurred on account of rash and negligent driving of Radhey Shyam respondent in which the claimant suffered injuries. xxx xxx xxx”

In **The United India Insurance Co. Ltd. vs. Deepak Goel and others, MAC.APP.No.750/2006**, decided on 24.01.2014, while taking note of the decisions of the Hon'ble Supreme Court, it was observed by the Delhi High Court as under:-

“xxx xxx xxx In a criminal case in order to have conviction, the matter is to be proved beyond reasonable doubt and in a civil case the matter is to be decided on the basis of preponderance of evidence, but in a claim petition before the Motor Accident Claims Tribunal, the standard of proof is much below than what is required in a criminal case as well as in a civil case. Undoubtedly, the enquiry before the Tribunal is a summary enquiry and, therefore, does not require strict proof of liability.”

In this view of the matter, the finding returned by the Tribunal regarding involvement of the offending bus in the accident is affirmed.

Referring to the decision in **Sarla Verma's case** (supra), Ld. counsel for the appellant-Corporation contended that since the deceased was 38 years old, so the proper multiplier to be applied in the case was 15, whereas, the Tribunal has fell into error by applying multiplier of 16.

Considering the age of the deceased i.e. 38 years, in the light of the settled law in **Sarla Verma's case** (supra) and **Rajesh and others Versus Rajbir and others 2013 (9) SCC 54**, multiplier of 15 was required to be applied. After multiplier of '15', the loss of dependency comes to

9,00,000 (5000x12x15).

In view of the aforesaid decisions of Hon'ble the Supreme Court, a sum of Rupees one lac was required to be awarded under the head of loss of consortium. That apart a sum of Rs.50,000/-, each, was required to be awarded to the minor children for the 'loss of love and affection'. But the Tribunal has not awarded any amount under these heads and if the compensation of Rs.2,00,000/- is awarded under the heads of 'loss of consortium' and 'loss of love and affection', the total compensation will be much higher than already awarded by the Tribunal.

Considering this aspect of the case, if the contention of the learned counsel regarding the multiplier is accepted, even then the amount of compensation which was required to be assessed remains on the higher side. In view of this, I don't deem it appropriate to interfere in the impugned award.

No other point was argued.

Appeal is dismissed.

May 12, 2016

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(HARINDER SINGH SIDHU)
JUDGE