

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.2922 of 2016 (O&M)
Date of decision: August 16, 2016

Rajasthan State Road Transport Corporation ... Appellant

Versus

Bhagirath (deceased) through LRs ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anil Kumar Gahlawat, Advocate for the appellant.

Rajan Gupta, J.

CM-10661-CII-2016:

This is an application under Section 5 of the Limitation Act seeking condonation of 28 days delay in filing the appeal.

For the reasons mentioned in the application, same is allowed and delay in filing the appeal is condoned.

FAO-2922-2016:

Appellant Rajasthan State Road Transport Corporation, owner of Bus No.RJ-12-PA-0972, has impugned the award dated 8.12.2015, passed by Motor Accident Claims Tribunal, Rewari on the ground that the said bus was not being driven in rash and negligent manner, but the accident was result of rash and negligent driving of the motor cycle, and also on the ground that compensation granted is on the higher side.

Learned counsel for the appellant has argued that tribunal has erred by holding that accident was result of rash and negligent

driving of the bus in question. The FIR was wrongly registered against driver of the bus. He further submits that the tribunal has granted compensation to the claimants on higher side. It wrongly applied a multiplier of 18 while assessing the compensation.

I have heard learned counsel for the appellant and given careful thought to the facts of the case.

Accident occurred on 17.4.2012, wherein Bhagirath (now deceased) received multiple grievous injuries. FIR No.68 dated 17.4.2012 was registered under sections 279/337/338 IPC at Police Station Shahjahpur. Thus, the tribunal has rightly held that the accident was result of rash and negligent driving of respondent No.1 while driving the offending bus. However, during his treatment, Bhagirath died on 31.5.2014 due to the injuries suffered in the accident and his legal representatives namely, Prem wife of Somdutt and Somdutt son of Rampat (parents of deceased) were brought on record. A claim petition was filed by Bhagirath. As regards quantum of compensation, in the absence of proof regarding income, tribunal assessed income of deceased Bhagirath as Rs.5000/- per month being minimum wages. After deducting 50% towards his personal and living expenses, dependency of his parents was assessed as Rs.2500/- per month i.e. Rs.30,000/- per annum and by applying a multiplier of 18, compensation on account of dependency was assessed as Rs.5,40,000/-. On account of medical bills and expenditure incurred by the petitioners on the treatment of deceased, Rs.2,70,400/- was granted and after adding Rs.20,000/- towards transportation charges and Rs.25,000/- towards funeral expenses and last

rites, petitioners have been awarded a total compensation of Rs.8,55,400/-. Apparently, there is no error in the impugned award. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 16, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No