

FAO No. 4918 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 29.11.2016

FAO No. 4918 of 2016(O&M)

New India Assurance Company Limited

---Appellant

versus

Ajit and others

---Respondents

FAO No. 4919 of 2016(O&M)

New India Assurance Company Limited

---Appellant

versus

Saroj Devi and others

---Respondents

FAO No. 4922 of 2016(O&M)

New India Assurance Company Limited

---Appellant

versus

Saroj Devi and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Vinod Gupta, Advocate
for the appellant

Rekha Mittal, J.

This order will dispose of FAO Nos. 4918, 4919 and 4922 of 2016 as these have emerged out of the same award dated 20.5.2016 passed by the Motor Accidents Claims Tribunal, Rohtak (in short “the Tribunal”).

FAO No. 4918 of 2016

Counsel for the appellant has submitted that compensation awarded by the Tribunal in regard to death of a child aged about 5 years is excessive and liable to be reduced.

The Tribunal has awarded an amount of Rs. 4,80,000/- to the unfortunate parents of deceased child by considering his notional income at Rs. 15000/- per annum, applying a multiplier of 15, allowed loss of love and affection and funeral.

I do not find any reason to intervene in the assessment of compensation made by the Tribunal. Accordingly, the appeal fails and is ordered to be dismissed in limine.

FAO No. 4919 of 2016

The sole submission made by counsel for the appellant is that the Tribunal has awarded an amount of Rs. 2,00,000/- for loss of love and affection to grand parents of a child aged about 5 years 15 months.

Perusal of the award passed by the Tribunal would make it evident that the Tribunal has awarded a sum of Rs. 2,25,000/- in all by allowing compensation for loss of love and affection to the extent of Rs. 1,00,000/- each to grand parents and Rs. 25,000/- for expenses on funeral and last rites. Keeping in view the total amount awarded in the circumstances, I do not find any reason to interfere in the assessment made by the Tribunal.

The appeal is accordingly dismissed in limine.

FAO No. 4922 of 2016

Counsel for the appellant has submitted that as the claimants are the parents in law of deceased Sweety, they cannot be held to be dependent upon the deceased or maintain a claim for compensation. It is further submitted that compensation awarded by the Tribunal qua loss of love and affection to the extent of Rs. 1,00,000/- each is on higher side.

Sweety aged about 23 years is the wife of Manjit (since

deceased) son of the claimants. The claimants lost their son Manjit, his wife Sweety and minor grand son Ankush. The Tribunal has awarded an amount of Rs. 1,00,000/- each for loss of love and affection and Rs. 25,000/- for funeral expenses making total compensation to the tune of Rs. 2,25,000/-. The Tribunal has not awarded any compensation qua loss of dependency to the claimants, parents-in-law of the deceased. The deceased being the daughter in law of the family was bound to render her services and extend her concern for her parents in law. Under these circumstance, compensation awarded by the Tribunal can neither be held to be unreasonable warranting intervention nor the insurance company can escape its liability to pay compensation under conventional heads on the pretext that the claimants were not dependent on deceased Sweety.

Finding no merit, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

29.11.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No