

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

-.-

FAO No. 6905 of 2016
Date of decision: 19.12.2016

TATA AIG General Insurance Company LimitedAppellant

Versus

Mukesh Devi and othersRespondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Rajesh K Sharma, Advocate
for the appellant

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Rekha Mittal, J.

The present appeal directs challenge against award dated 14.07.2016 passed by the Motor Accidents Claims Tribunal, Narnaul (in short, 'the Tribunal') whereby compensation has been awarded in regard to death of Jitender son of Jage Ram in a motor vehicular accident that took place on 13.02.2014.

The Tribunal assessed income of the deceased at Rs.6,500.00 per month, deducted 50% for personal expenses and applied a multiplier of 15 to compute loss of dependency at Rs.5,85,000.00. In addition, an amount of Rs.20,000.00 has been awarded for funeral and last rites making total compensation to Rs.6,05,000.00, payable to Rohit Kumar and Smt. Ramratti, successors-in-interest of Manoj Kumar, brother of deceased Jitender.

The sole submission made by counsel for the appellant-

insurance company is that the Tribunal has wrongly assessed compensation qua loss of dependency and petitioners No. 2 and 3, at best, could be allowed compensation only qua loss of estate. It is further submitted that compensation qua loss of estate would be much lower viz-a-viz loss of dependency.

I have heard counsel for the appellant and perused the paper book particularly the award passed by the Tribunal.

As has been noticed hereinbefore, Rohit Kumar is the son and Smt. Ramratti is the widow of Manoj Kumar, brother of deceased Jitender. The Tribunal in sub para 2 of para 17 of the award has noticed that deceased Jitender was residing with Manoj Kumar, father of petitioner No. 2 and widow of petitioner No. 3 and petitioner No. 1 being married sister of the deceased was not dependent upon Jitender and the deceased was not contributing anything towards his sister so she is not entitled to get any compensation and only petitioners No. 2 and 3 are entitled to receive the whole amount.

There is no challenge to findings of the Tribunal that Jitender had been residing with Manoj Kumar and his family. There is nothing on record suggestive of the fact that after demise of Manoj Kumar, his family consisting of Rohit Kumar and Smt. Ramratti has any source of income except income of deceased Jitender. Under the circumstances, it is difficult to accept contention of the appellant that Rohit Kumar and Smt. Ramratti are not entitled to compensation qua loss of dependency or they are entitled to compensation for loss of estate only.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

19.12.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No