IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.303

FAO No.208 of 1993
Date of decision : 04.08.2017

Renu Bala and others ..... Appellants

VERSUS

Haryana Roadways and others ..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sanjeev Gupta, Advocate
for the appellants.

Mr. Arjun Singh Yadav, AAG, Haryana
for respondent No.1 and 2.

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SUDHIR MITTAL, J. (Oral)

Mr. Harmesh Kumar Sejpal is the deceased, whose dependants are the claimants viz., his widow, minor daughter and mother.

The accident took place on 06.12.1990 near the Transport Chowk in Chandigarh when the deceased was driving a moped bearing No.CH-01-9117 and his mother-in-law was riding pillion with him. The accident was caused by a bus of Haryana Roadways bearing No.HNE-382. At the Transport Chowk, the offending bus turned towards the Tribune Chowk, Chandigarh and hit the moped resulting in the death of Harmesh Kumar Sejpal and his mother-in-law.

The learned Tribunal held that the accident was caused due to rash and negligent driving of the driver of the Haryana Roadways bus. This finding has not been challenged before me and is upheld, accordingly.

On the date of the accident, the deceased was aged 28 years. His salary certificate has been produced on record as Exhibit A-3, according to which he was drawing a salary of 1200/- Dirham per month (the deceased was employed as a Carpenter in Sharjah, UAE).

A reading of this certificate does not lead to the conclusion that the employment of the deceased had come to an end. On the contrary, it only shows that his dues had been paid in full when he came to India on leave. The learned Tribunal erred in holding that Ex. A-3 was proof of termination of employment of the deceased.

Following the dictum of **Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009(6) SCC 121**, I award compensation as follows:-

(a)	Monthly income - 1200 x 10.8	₹12,960/-
(b)	Annual income -12960 x 12	₹1,55,520/-
(c)	Increase on account of future prospects – 50% deduction of 1/3rd for personal expenses	₹2,33,280/- ₹2,33,280 x 1/3 = ₹77,760/-
(d)	Annual dependency	₹2,33,280 – 77,760= ₹1,55,520/-
(e)	Multiplier	17
(f)	Total loss of dependency, ₹1,55,520 x 17	₹26,43,840/-

(g) Add ₹10,000/- for loss of consortium, ₹5,000/- for loss of estate and ₹5,000/- for funeral expenses and total compensation will be ₹26,63,840/-.

The liability shall be borne jointly and severally by the State of Haryana and Haryana Roadways as the bus was not insured.

The unpaid amount would carry interest of 6% per annum from the date of filing of claim petition till the date of realization. The amount be disbursed in favour of the widow as the mother is reported to have died and the daughter has been married off.

The appeal is allowed in the above terms.

(SUDHIR MITTAL)
JUDGE

August 04, 2017
Ramandeep Singh

Whether speaking / reasoned Yes / No

Whether Reportable Yes/ No