

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

FAO No.401 of 2001 (O&M)

Date of decision: March 21, 2017

Bansi Lal and others

...Appellants

Versus

Sheela and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kuldip Sanwal, Advocate for the appellants.

Rajan Gupta, J.

Appellants, being legal representatives of Babu Ram, who was owner of the offending vehicle, have impugned the award dated 3.6.2000, passed by Motor Accident Claims Tribunal, Ludhiana on the ground that tribunal has wrongly fastened liability of payment of compensation on the appellant.

Learned counsel for the appellants has argued that the tribunal has wrongly held that driver of the vehicle in question was not holding a valid driving licence. At the most, recovery rights could be granted to the insurance company, if any terms of the insurance policy were proved to be violated.

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

Accident occurred way back on 15.2.1996, wherein Des Raj, husband of claimant No.1, father of claimant No.2 and son of claimants Joginder Pal and Chhanno, had died. The tribunal observed that driver of the offending truck was driving the same in a rash and negligent manner at the time of accident and caused the accident, resulting into the death of Des Raj.

As regards quantum of compensation, the tribunal assessed monthly income of Rs.1500/- and dependency of claimants at Rs.1000/- i.e. Rs.12,000/- per annum. Deceased was 27 years of age at the time of his death in the accident. After applying a multiplier of '16' and adding Rs.8000/- towards loss of estate, loss of consortium and funeral expenses, a total compensation of Rs.2,00,000/- was granted to the claimants along with interest @ 12% per annum from the date of filing of claim petition till date of payment. As driving licence of driver of the offending vehicle was found to be fake, the tribunal exonerated the insurance company from the liability to pay compensation to the claimants. 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.

March 21, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No