

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5207-2002 (O&M)
Date of decision: 14.09.2017

Krishna and others

.... Appellants

Versus

M/s Sandhu Travels through its partner and another Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Tribhavan Dahiya, Advocate
for the appellants.

Mr.Sanjiv Gupta, Advocate
for respondent No.1.

Mr. R.K.Bashamboo, Advocate
for respondent No.2

AVNEESH JHINGAN, J. (Oral)

This is an appeal filed against award dated 05.08.2002 passed by Motor Accidents Claims Tribunal, Karnal (for short 'the Tribunal').

The brief facts necessary for adjudication of the present appeal are noted below:

One Mahabir Prasad lost his life in an accident on 01.12.1999. He was on his *Moped* bearing registration No. HR-05-5675 and was struck by the bus bearing Registration No. DL-IP-3234 (for short 'the offending vehicle'). As a result of the accident he suffered multiple grievous injuries including head injury. He was hospitalized from 01.12.1999 to 14.12.1999. As a result of the head injury, he underwent depression and ultimately in depression he committed suicide on 09.12.2000. After his death a claim petition was moved under Section 166 of the Motor Vehicle Act, 1988 (for

short 'the Act'). The claim petition was moved by the widow and four minor children. The Tribunal awarded a lump sum amount of ₹50,000/- alongwith 9% interest.

In the present appeal, the only issue involved is regarding enhancement of lump sum compensation awarded of ₹50,000/-.

I have heard learned counsel for the parties and perused the paper book.

Learned counsel for the appellant No.1 argued that deceased who was 40 years of age at the time of accident and was running a kiriyana shop. In accident he suffered head injuries as a consequence of which he was under depression. He further contended that only because of depression Mahabir Prasad committed suicide, therefore, the amount awarded is meagre.

Learned counsel for the respondent argues that death was after one year of the accident and was as a result of suicide. It cannot be said that the death was the direct result of injury suffered in the accident.

The contention of the learned counsel for the appellant has merit. The amount awarded by the Tribunal is very meagre. Without going into the controversy whether the suicide committed by the deceased was a direct result of accident or not. It is an admitted fact that accident occurred due to rash and negligent driving of the offending vehicle, the deceased suffered head injury for which he was operated upon and had to undergo a surgery. The Doctor report was produced as Ex. PW3 and he filed his affidavit also. He deposed that the depression was result of the head injury. The net result is that even if Mahabir Prasad was alive after the accident he was not able to do any of his routine work or to carry on his business rather

he was under continuous pain and suffering and had to undergo medical treatment. When the head of the family is in such condition, the family cannot be in a state of mind to vouch for the medical expenses incurred on surgery etc.

Keeping in view the fact that this is an old case for the year 2000 and accident occurred in the year 1999, I think end of justice would be met if another sum of ₹1,50,000/- more as a lump sum is awarded to the deceased. The claimants shall be entitled to the enhanced amount alongwith interest at the rate of 6% per annum from the date of filing of the claim petition till realization.

Accordingly, the appeal is partly allowed.

(AVNEESH JHINGAN)
JUDGE

14.09.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No