

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

**F.A.O. No.3982 of 2002 (O&M)
Date of Decision:- 25.08.2017**

Daljit Kaur and another

....Appellants

vs.

Hoshiar Singh and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Manoj Pundir, Advocate,
for the appellants.

Mr. Varun Mittal, Advocate for
Mr. Vikas Mohan, Advocate,
for respondent No.3.

Sudhir Mittal, J.

The deceased-Jasbir Singh was riding pillion behind Kulwant Singh on Scooter bearing registration No.CHS-6894 and was going from Kurali side to village Singh Bhagwantpura on 22.5.2000. At about 8:00 P.M., they were near village Bhaman Majra and their scooter was hit from the rear side by a Tata 407 vehicle bearing registration No. PB-12-C-1697. As a result of this accident, the driver of the scooter, namely, Kulwant Singh as well as Jasbir Singh died on the spot. This accident was witnessed by Randhir Singh, father of the driver of the scooter and one Kuldeep Singh.

2. After appreciating the evidence placed on record by the parties, a compensation of ₹ 1,40,000/- was awarded by the Motor Accidents Claims Tribunal, Rupnagar (hereinafter referred to as 'the Tribunal') to the

claimants-appellants (parents of deceased Jasbir Singh). The learned Tribunal found that the driver of the offending vehicle was holding a valid driving licence and also that the said vehicle was duly insured with respondent No.3. It was also held by the Tribunal that the accident took place due to the rash and negligent driving of the driver of the Tata 407 vehicle. Hence, liability to pay the compensation, was found to be of all the respondents, jointly and severally.

3. No appeal has been filed either by the Insurance Company or by the driver and owner of the offending vehicle. Even at the time of arguments, learned counsel representing the Insurance Company did not raise any meaningful arguments regarding the liability of the Insurance Company or in respect of the finding of rashness and negligence of the driver of the offending vehicle.

4. The findings of the learned Tribunal that the accident was caused due to the rash and negligent driving of the driver of the offending vehicle and that the vehicle was duly insured and was being driven by a validly licenced driver are, therefore, upheld.

5. The only question which remains to be decided is regarding the quantum of compensation to be awarded to the claimants. At the time of accident, the deceased was aged 20 years and was working as a Electrician/Radio/TV Mechanic. He was unmarried and according to the statement of his father Randhir Singh-AW-3, he was earning about ₹ 5,000/- per month. The learned Tribunal found, as a matter of fact, that the claimants viz. the parents of deceased Jasbir Singh, were dependent on him.

It has also found the income of the deceased to be ₹ 3,000/- per month.

The said findings are upheld as no error in appreciation of evidence has been pointed out by the learned counsel for the appellants. Thus, keeping in view the judgment of Hon'ble the Apex Court in “**Sarla Verma and others vs. Delhi Transport Corporation and another**”, 2009 (3) RCR (Civil)77 and “**Munna Lal Jain and another vs. Vipin Kumar and others**”, 2015 (6) SCC 347, the compensation, is assessed as follows:-

1.	Monthly income	₹ 3,000/- p.m.
2.	Increase of 50% on account of future prospectus	₹ 4500/- p.m.
3.	Deduction on account of personal expenses (deceased was a bachelor)	50% (₹ 2250/-)
4.	Annual Dependency	₹ 2250x12=27,000/-
5.	Multiplier of 18 since deceased was aged 20 years	₹ 4,86,000/-
6.	Loss of love and affection	₹ 1,00,000/-
7.	Funeral Expenses	₹ 25,000/-
8.	Total compensation	₹ 6,11,000/-

6. The unpaid amount will carry interest @ of 7.5% per annum from the date of filing of claim petition, till the date of payment. Respondent No.3-United India Insurance Company Limited is directed to make the payment within a period of three months from the date of receipt of certified copy of this judgment.

7. The appeal is allowed in the aforementioned terms.

August 25, 2017
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No