IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

FAO No.5887 of 2011 (O&M)
Date of decision: February 03, 2017

Balkar Singh and others ...Appellants

Versus

Lakhwinder Singh and others ...Respondents

CORAM: **HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Sunil Agnihotri, Advocate for the appellants in FAO No.5887 of 2011 & for respondents No.1 to 3 in FAO-6377.

Mr. Mukul Aggarwal, Advocate for the appellant in FAO-6377 and for respondent No.3 in FAO-5887.

Rajan Gupta, J.(oral)

This order shall dispose of two appeals i.e. FAO No.5887 of 2011 and FAO No.6377 of 2011, one preferred by the claimants and other by the insurance company, against the award dated 11.05.2011, passed by Motor Accident Claims Tribunal, Hoshiarpur.

On behalf of the insurance company it has been urged before the court that the driver of the offending vehicle did not have a valid licence on the date of accident. Thus, liability has been wrongly affixed upon the insurance company.

Learned counsel for the claimants on the other hand, has questioned the quantum of compensation as multiplier has been applied on the lower side. Compensation granted under other heads also needs to be enhanced.

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

An accident occurred on 11.8.2007. A 18 years old student namely, Narjit Kaur was on her way back to home after attending classes. At about 3.30 P.M., she alighted from a Mini Bus, but was struck by the offending vehicle resulting in multiple injuries. She succumbed to the injuries in the hospital. A claim petition was lodged by grandfather, sister and brother of the deceased. Tribunal came to the conclusion that accident was a result of rash and negligent driving by the driver of the vehicle. By a rough guess, income of the deceased was taken as Rs.1000/- per month. After applying a cut of 50% and a multiplier of 16, compensation was assessed as Rs.1,11,000/-. This was directed to be paid with interest @ 6% per annum. While dealing with the issue regarding validity of licence, Tribunal held that the licence was renewed later on. Thus, on the date of accident, driver was deemed to be holding a valid driving licence. I, thus, find no substance in the plea of the insurance company for fixing the liability on the owner and driver. As regards enhancement of compensation, I find no merit in the same as well. Deceased was living with her grand father, brother and sister. By rough estimate, her income was assessed as Rs.1000/- per month and compensation was accordingly granted. Besides, accident occurred way back in the year 2007. Claim petition was disposed of in May, 2011. The compensation amount along with interest may have disbursed to the claimants long time back. In the facts and circumstances of the case, I do not find any ground to interfere in appellate jurisdiction of this court.

Both the appeals are dismissed.

(RAJAN GUPTA)
JUDGE

February 03, 2017
'Rajpal'

Whether speaking / reasoned Yes / No

Whether Reportable: Yes / No