

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

FAO No. 1168 of 2013

DATE OF DECISION : 06.12.2017

Randhir Singh

.... APPELLANT

Versus

Gurprit Singh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Ashish Gupta, Advocate,
for the appellant.

None for respondents No.1 and 2.

Mr. Puneet Jain and Mr. M.B. Jain, Advocates,
for respondent No.3 – Insurance Company.

* * *

AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against the award dated 16.01.2013 passed by the Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal').

On 03.01.2010, Meenu Devi, aged 20 years, was going along with her husband in a rickshaw, when a rashly and negligently driven car bearing registration No. DL-2C-AK-5620 (for short, 'the offending vehicle') hit the rickshaw. As a result, Meenu Devi suffered injuries and ultimately succumbed to her injuries on 12.01.2010 in PGI, Chandigarh. FIR No. 10 dated 09.01.2010 was registered at Police Station Gharaunda, District Karnal.

Two claim petitions under Section 166 of the Motor Vehicles Act, 1988 were filed, one (Claim Petition No. 46 of 2010) by the husband and the other (Claim Petition No. 84 of 2011) by father of the deceased. The Tribunal awarded compensation for loss of dependency and loss of consortium to the husband, whereas the medical expenses and compensation for loss of love and affection were awarded to the father.

The husband of the deceased was awarded compensation of ₹ 4,37,000/- along with interest at the rate of 9% per annum. The said amount includes a sum of ₹ 5,000/- for loss of consortium. The father of the deceased was awarded ₹ 26,487/- as amount spent on treatment, funeral and last rites of the deceased, and ₹ 5,000/- for loss of love and affection.

Aggrieved of the award passed in Claim Petition No. 84 of 2011, the father of the deceased filed the present appeal.

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

The parties have not disputed the involvement of the offending vehicle as well as the rash and negligent driving of the offending vehicle.

Learned counsel for the appellant argued that the appellant i.e. father of the deceased is entitled for compensation on account of death of his married daughter. He contends that the appellant had spent money for treatment of his daughter.

Learned counsel for respondent No.3 – Insurance Company argued that the compensation has already been awarded to the husband and

it has not been proved on record that father was dependent upon the daughter. In such circumstances, no compensation can be awarded to the father.

The contentions raised by learned counsel for the appellant have no substance and are liable to be rejected. The Tribunal has specifically recorded that it has not been proved that the deceased was residing with her parents or she was maintaining them. Rather, it has come on record that she was married and was residing with her husband. The Tribunal has already awarded the amount spent by the father for treatment etc. of his daughter.

In view of the above, the appeal being bereft of any merit is dismissed.

December 06, 2017
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No