

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

FAO No.258 of 2013 (O&M)

Date of decision: March 01, 2017

Reliance General Insurance Company Ltd. ... Appellant

Versus

Rojdar and others ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manmohan, Advocate for
Mr. Suman Jain, Advocate for the appellant.

Mr. Gagan Sharma, Advocate for
Mr. Amit Jain, Advocate for respondents No.1 to 3.

Rajan Gupta, J.

Appellant Reliance General Insurance Company Ltd. has challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellant submits that tribunal has erred in granting the amount of compensation on a higher side. All the claimants were major brothers of the deceased at the time of accident and all of them were earning hand, thus, they were/are not dependent upon the deceased in any manner.

Learned counsel for respondents No.1 to 3/claimants submits that adequate compensation has been awarded by the tribunal for the death of Hanif.

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

It appears that accident took place on 13.11.2009, in which Hanif, brother of claimants had died. The tribunal held that accident had taken place on account of rash and negligent driving of the offending vehicle

i.e. Trailer No.HR-66-5972, driven by respondent No.4. The tribunal assessed monthly income of deceased as Rs.4000/- and after deducting 50% as personal expenses of deceased and applying multiplier of 13, it assessed compensation as Rs.4,05,600/-. After adding Rs.5000/- for transportation and Rs.10,000/- for funeral expenses, claimants were awarded a total compensation of Rs.4,21,000/-.

Admittedly, deceased was 50 years of age at the time of his death. All the claimants are major brothers of the deceased. It is settled law that legal representatives, who are not dependent on the deceased, will be entitled to compensation, the quantum of which will be not less than the liability flowing from Section 140 of the Act. Deceased was unmarried at the time of his death, thus, there is no loss of dependency in this case. I am of the considered view that claimants are only entitled to compensation on account of loss of love and affection amounting to Rs.2,25,000/- (Rs.75,000/- for each claimants) and Rs.25,000/- on account of funeral expenses. They are also entitled to Rs.50,000/- under section 140 of the Act. In this way, the claimants are entitled to a total compensation of Rs.3,00,000/- only. In any case, this amount was disbursed to claimants in view of interim order passed by this court on January 23, 2013. Appeal is allowed to this extent. Award of the tribunal is modified. Rest of the award is maintained as such.

March 01, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No