

FAO No. 1043 of 2015 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1043 of 2015 (O&M)

Date of Decision: 25.10.2017

Paramjit Singh

.....Appellant

Versus

Satguru Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aminder Singh, Advocate
for the appellants.

None for respondents No. 1 and 2.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.3 (Insurance Company).

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 2.9.2014 passed by the Motor Accidents Claims Tribunal, Sangrur (for short 'the Tribunal').

The brief facts necessary for adjudication of the present appeal are as under:

On 20.1.2013 five persons namely Harpal Kaur, Gurjit Singh, Hardeep Kaur, Jagtar Singh and Gurwinder Kaur, who were travelling in a Car bearing registration No.PB-11-Z-1105, met with a Motor vehicular accident. The said car was struck by a bus bearing registration No. PB-13-Z-9375 (for short 'the offending vehicle'). As a result of the accident, all the five persons died on the spot. FIR No. 13 dated 20.1.2013 was registered at Police Station Dirba.

The claim petition under Sections 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by the LR's of deceased-Hardeep Kaur.

The Tribunal after considering witnesses and evidence produced before it, awarded a sum of Rs. 1,35,000/-alongwith interest at the rate of 9% per annum.

The present appeal has been filed for enhancement of compensation awarded.

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

The facts are not in dispute by either of the parties.

There is no dispute with regard to rash and negligent driving of the offending vehicle.

Learned counsel for the appellant argued that only amount of Rs.1,35,000/- has been awarded and the same is on lower side and needs to be enhanced.

Learned counsel for the respondent No.3-Insurance Company argued that claimant is the major son, it has been proved on record that he was earning and was not dependent upon his mother. He argued that the deceased had re-married and the son (claimant) is from the earlier marriage and in such circumstance, no enhancement is called for.

Even though the claimant is the major son and the deceased has re-married, it cannot be said that the mother-son relationship ceased to exist. Loss of family member was there as a result of the accident. The contribution of mother in the life of son even after re-marriage cannot be denied.

Keeping in view these facts, it would be appropriate that in order to arrive at just and equitable consideration, another amount of Rs.50,000/- over and above the amount already awarded by the Tribunal is awarded as compensation to the appellant. While awarding lump-sum amount statutory interest under Section 171 of the Act has already been considered.

The enhanced amount shall be shared in the same terms as ordered by the Tribunal.

The appeal is partly allowed in the above terms.

25.10.2017

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No