

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

FAO-2741-2015

Date of decision: 12.1.2017

Satnam Kaur and others

...Appellants

Versus

Karan Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.KS Dhanora, Advocate for the appellants

Mrs.Sheenu Sura, Advocate
for respondent No.3- Insurance Company

SNEH PRASHAR, J.

The Claimants-appellants being widow, daughters, sons and parents of the deceased Phuman Singh, who lost his life in a road side accident on 12.11.2013, have filed the present appeal seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to 'the Tribunal') vide award dated 21.8.2014 passed in MACT case no.11 of 2014.

The submissions made by Mr.KS Dhanora, Advocate representing the appellants and Ms.Sheenu Sura, Advocate for respondent No.3- Insurance Company have been heard.

Learned counsel for the appellants submits that learned Tribunal ignoring the fact that the deceased was earning Rs.15,000/- per

month by working as Palledar/ skilled labourer, as deposed his wife PW1 Satnam Kaur, assessed his income as Rs.6655/- per month. He further submits that the deceased was survived by widow, two daughters, three minor sons and old parents and despite that only a meager amount of Rs.one lac was awarded on account of loss of love, care and guidance to the children. No amount has been awarded to the parents of the deceased towards loss of love and affection.

Admittedly, Phuman Singh had died due to the injuries suffered by him in a road side accident caused by respondent No.1 driver of the offending vehicle. He was 37 years old at the time of his death. As regards contention of the claimants that the deceased used to earn a sum of Rs.15,000/- per month, there is no substance in the same because except for bald statement of PW1 Satnam Kaur, wife of the deceased, no substantive evidence regarding income of the deceased was produced. Therefore, the income of the deceased assessed by learned Tribunal as Rs.6655/- per month as per the minimum wages of a labourer fixed by the Deputy Commissioner, Kurukshetra is adequate. The said finding warrants no intervention.

The deceased left behind a huge family consisting eight members i.e. widow, two young girls, three minor sons and old parents. The deceased was the sole bread earner of the family and his untimely death was not only a mental shock to the family members but it also abruptly snatched the only financial source of their maintenance. Considering the fact that there are five children among whom are two

young daughters and the family is left with no male earning member, in my considered opinion the ends of justice would be met, if another sum of Rs.One lac for loss of love, care and guidance to the children in equal shares is awarded. As nothing was awarded to the mother of the deceased towards loss of love and affection, a sum of Rs.50,000/- is allowed to her.

Accordingly, the enhanced amount of Rs.1,50,000/- shall be paid to the claimants, as mentioned above, within two months from the date of receipt of the certified copy of this judgment, failing which, it shall carry interest at the rate of 7.5% per annum from the date of filing the appeal, till its realisation.

The appeal is partly allowed and the impugned award is modified to the above extent.

12.1.2017
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No