

FAO No. 3164 of 2015 (O&M)
FAO No. 3163 of 2015 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO No. 3164 of 2015 (O&M)

Date of decision : July 4, 2017

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Tej Bahadur Singh

.....Appellant

Versus

Prem Pal and others

.....Respondents

FAO No. 3163 of 2015 (O&M)

Date of decision : July 4, 2017

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Tej Bahadur Singh

.....Appellant

Versus

Prem Pal and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Sagar Aggarwal, Advocate for the appellant.

Mr. Rajbir Singh, Advocate for
Mr. Sanjeev Goyal, Advocate for
Shri Ram General Insurance Company Limited.

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RITU BAHRI, J.

C.M No. 9421-CII of 2015 in
FAO No. 3164 of 2015

Prayer made in the application is for condonation of delay of
168 days in filing the appeal.

For the reasons stated in the application delay in filing the
appeal is condoned. C.M is allowed

C.M No. 9422-CII of 2015 in
FAO No. 3164 of 2015

C.M is allowed subject to all just exceptions.

Through this common judgment two appeals i.e FAO No. 3164 of 2015 and FAO No.3163 of 2015 impugning the similar award shall be decided.

The present appeals have been filed by Tej Bahadur, appellant-claimant seeking enhancement of compensation amount awarded by the Motor Accidents Claims Tribunal, SAS Nagar, Mohali (hereinafter referred to as 'the Tribunal') vide award dated 1.8.2014 on account of death of appellant's wife Chandrawati and son Deewan @ Vivan.

Briefly stated the facts of the case are that on 21.8.2012 Tej Bahadur, his wife Chandrawati, their minor son Deewan @ Vivan and daughter Khushi were traveling in a car bearing registration No. HR-05-M-6021 driven by Sukhbir Singh and they were going from Lucknow to Delhi. Sukhbir Singh was driving the car at a normal speed and when he reached in the area of village Navdiya, Police Station Katra District Shahjahanpur in front of Baba Dhaba at about 6:30 a.m, one Mahindra Bolero Jeep bearing No. UP-27-T-2826 which was being driven by respondent no.1-Prem Pal rashly came from the opposite direction and struck against the car driven by Sukhbir Singh. As a result all the occupants of the car including Sukhbir Singh received multiple injuries and Sukhbir Singh succumbed to his injuries while Chandrawati and Deewan also died after reaching Sidhi Vinayak Hospital, Bareilly (UP). In this regard, police of Police Station Katra registered an FIR No. 242 dated 21.8.2012 under Sections 279, 337, 304-A, 427 IPC against respondent no.1.

Tej Bahadur husband of Chandrawati and father of Deewan @

Vivan under Section 166 of Motor Vehicles Act filed Claim Petition No. 133 of 17.11.2012 on account of death of his wife Chaderawati and Claim Petition No.132 of 17.11.2012 on account of death of his infant son Deewan @ Vivan. It was alleged that Chaderawati was 22 years of age. Besides household work, she was also doing knitting and stitching work and was earning Rs.10,000/- per month. Master Deewan@ Vivan was three years of age at that time.

The claim petitions were allowed. Chanderawati being a house wife, her services were evaluated in money to the extent of Rs.6000/- per month. Thus her nominal income was assessed as Rs.6000/- per month. On account of death of Chanderawati, claimant was was held entitled to the compensation as per the following table:

<i>Sr. No.</i>	<i>HEADS</i>	<i>CALCULATION</i>
1	Annual income	Rs. 6000x12= Rs. 72,000/-
2	Multiplier	Rs. 72000x18= Rs. 12,96,000/-
3	Add 50% increase on a/c of future prospects	Rs. 6,48,000/-
4	Loss of dependency	Rs.19,44,000/-
5	Funeral expenses	Rs.25,000/-
6	Loss of consortium	Rs.1,00,000/-
7	TOTAL	Rs. 20,69,000/-

Nominal income of infant Master Deewan @ Vivan was assessed as Rs. 15,000/- per annum. To this multiplier of 15 was applied. In this way, claimant was held entitled to a compensation of Rs.2,25,000/- on account of death of his son.

The accident had taken place on account of rash and negligent driving of the vehicle by respondent no.1 Prem Pal which was owned by respondent no.2 Raja Ram and as the offending vehicle was insured with respondent no.3- Shri Ram General Insurance Co. Ltd., all the respondents

were held jointly and severally liable to pay the compensation amount in both the claim petitions. The Insurance Company was given a right to recover the claim amount from the driver and the owner as respondent no.1 Prem Pal was not carrying any driving licence at the time of accident. The compensation carried an interest of 9%p.a from the date of filing the claim petition till realization of the compensation amount.

Feeling dissatisfied with the award of the Tribunal, the claimant-appellant has preferred the present appeals.

I have heard counsel for the parties and thoroughly perused the case file. Counsel for the claimant has not been able to point out any material mistake in calculating the compensation amount which has been awarded to the claimant by the Tribunal. Income of the deceased have rightly been assessed at Rs.6000/- per month as the accident took place on 21.8.2012 and income of Rs.6000/- per month is not on the lower side at that point of time. Amount of compensation awarded on account of death of infant son of the claimant is also not on the lower side.

In view of all that has been discussed above, no ground is made out to interfere with the award of the Tribunal. Hence the appeals are dismissed.

July 4, 2017
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No