

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

FAO No.5803 of 2013 (O&M)
Date of decision: February 15, 2017

Suman Devi and others ...Appellants

Versus

Lovely and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vishal Munjal, Advocate for the appellant.
Mr. Jasmeet Mehra, Advocate for respondents No.1 & 2.
Mr. Harjinder Singh, Advocate for respondent No.3.

Rajan Gupta, J.(oral)

Present appeal has been preferred by the appellants dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellants has submitted that tribunal has erred in not granting adequate compensation under usual heads and monthly income of the deceased has been assessed on a lower side.

Learned counsel for the respondents submit that adequate compensation has been awarded for the death of deceased Sohan Lal. Learned counsel for respondent No.3 insurance company has produced a letter dated 24.2.2011, whereby a cheque of ₹ 4,36,925/- was deposited by the insurance company, which is taken on record as Mark 'A'.

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

An accident took place on 4.1.2008, wherein Sohan Lal, son of appellants No.1 and 2 and brother of appellants No.3 to 5 had died. Sohan Lal was driving vehicle No.JK-08-A-9866 from Kathua to Jammu on G.T. Road, when truck No.PB-11Q/8876 driven by respondent No.1 came from behind and struck against his vehicle and caused grievous injuries, resulting into his death. An FIR was also registered regarding the incident. Claimants filed a claim petition. Tribunal observed that accident was caused due to rash and negligent driving of the offending truck and claimants were awarded compensation of ₹ 3,87,000/- on account of death of Sohan Lal and liability to pay compensation was fastened upon the insurance company being insurer of the offending vehicle. The tribunal found that deceased was 21 years of age at the time of his death and his parents i.e. appellants No.1 & 2 were 38 and 50 years of age respectively. Monthly income of deceased was assessed as ₹ 4500/- per month. Applying a cut of 50%, it assessed dependency of claimants upon the deceased @ ₹ 2250/-. Applying a multiplier of '14', it granted ₹ 3,78,000/- as compensation. Adding Rs.5000/- on account of consortium and ₹ 4000/- for transportation, a total compensation of ₹ 3,87,000/- was awarded as compensation along with interest @ 12% per annum. I find no infirmity with the order. Besides, the accident took place way back on 4.1.2008. The claimants received the amount of compensation vide cheque No.312726 dated 23.02.2011. There is no ground to interfere in appellate jurisdiction of this court. The appeal is without any merit and is hereby dismissed.

CR-24133-CII-2013:

There is a delay of 819 days in filing the appeal. Since the main

appeal has been dismissed on merits, this application for condonation of delay does not survive and is also dismissed.

(RAJAN GUPTA)
JUDGE

February 15, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No