

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 6289 of 2014 (O&M)

Date of decision : 23.01.2017

Balwinder Kaur & anr.

....Appellants

V/s

Ranjit Singh & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.S. Lakhanpal, Advocate for the appellants.

Mr. V. Ramswaroop, Addl. A.G. Punjab.

RAJAN GUPTA J.

Present appeal emanates from award passed by tribunal whereby compensation of ₹3,08,000/-alongwith 6% interest has been granted to the claimants.

Claimants-appellants, who are parents of the deceased-Gurpreet Singh, have challenged the award and seek enhancement of compensation. It has been urged before the court that trial court ought to have taken into consideration age of the deceased and apply multiplier accordingly. Computed in such manner, compensation would be much higher. I have considered the plea.

An accident took place on 16.11.2008 in which Gurpreet Singh died. Parents of Gurpreet Singh lodged claim with the tribunal. The court framed issues and came to the conclusion that accident had occurred as a result of rash and negligent driving by driver of the offending vehicle. As there was no tangible proof in support of income of the deceased, same was taken as ₹3500/- p.m. After deducting 1/3rd from this amount as personal

expenses, compensation was computed as ₹3,08,000/-. Claimants were also held interest at the rate of 6% per annum on the awarded amount from the date of award till realization. I find no ground to interfere in the award passed by tribunal which pertains to an accident which occurred in the year 2008. There is delay of 1165 days (*C.M. No. 17040-CII of 2014*) in filing the appeal i.e. almost 3½ years. Plea for condonation has also been opposed by State by filing affidavit of Depot Manager, PUNBUS Tarn Taran. Besides, claimants may have received the entire amount of claim alongwith interest longtime back. Appeal is, thus, without any merit and is hereby dismissed.

January 23, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No