

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 3918 of 2016

Date of decision: 01.09.2017.

Bachan Kaur

...Appellant

versus

Ashok Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present : None.

RAJIV NARAIN RAINA, J. (ORAL)

No one has put in appearance on behalf of the appellant no pass over is sought. I, therefore, proceed to decide the appeal on merits.

Deceased was 66 years old at the time of accident. His income has been rightly downsized from plain ₹ 20,000/- to ₹ 6,000/- per month. The dependancy has been assessed at 50% of the income per month. The law in Sarla Verma and others Vs. Delhi Transport Company and another, 2009 (3) RCR (civil) 77 has been applied correctly by the Motor Accidents Claims Tribunal, Hoshiarpur, and, suitable multiplier of 5 has been applied to work out compensation of ₹ 3,000/- x 12 x 5 = ₹ 1,80,000/-, ₹ 1,00,000/- has been awarded on account of loss of consortium and ₹ 25,000/- towards funeral expenses. Total compensation of ₹ 3,05,000/- has been awarded by the Tribunal vide order dated 06.01.2016. Rate of interest is appropriately awarded at 7.5% per annum from the date of the petition till the date of actual payment. The car was insured and the liability fell on the Insurance

Company squarely. The owner possessed a valid driving licence and there is no dispute regarding it. This is not a case for awarding any amount for future prospects looking at the age of the deceased.

Hearing the appellant's counsel would not have been profitable as he could say nothing regarding the non-disputed facts and the application of law which has been settled in numerous decisions one of which has been decided in Sarla Verma's case (supra) and the assessment by the Tribunal on conventional and non-pecuniary heads is properly justified. I have no reason to disagree with the award passed by the Tribunal, which is confirmed and the appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

September 1, 2017

kv

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO