

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

FAO No.2723 of 2017 (O&M)
Date of decision: April 27, 2017

General Manager, Rajasthan State
Road Transport Corporation

...Appellant

Versus

Chander Kala & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anil Kumar Gahlawat, Advocate for the appellant.

Rajan Gupta, J.

Appellant General Manager, Rajasthan State Road Transport Corporation, Bikaner Depot has impugned the award dated 12.01.2017, passed by Motor Accident Claims Tribunal, Rohtak, whereby compensation has been awarded to the claimants on account of death of their son Sunil Kumar in the accident.

Learned counsel for the appellant has argued that there was no rash or negligent driving on the part of driver of the bus in question and a false case was got registered against him. Moreover, the tribunal has awarded compensation to the claimants on higher side.

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

Accident occurred on 6.12.2015, wherein Sunil Kumar son of

claimants had died. FIR No.579 dated 7.12.2015, under Sections 279, 337, 304-A IPC was registered at Police Station Meham, District Rohtak regarding the said accident. A claim petition under Section 166 of the Act was filed by the claimants. In support of their case claimants examined Sadhu Ram as PW-7, who was an eye-witness of the accident and proved that accident was result of rash and negligent driving of the offending bus by its driver, who was driving the same at a high speed and he also took deceased to PGIMS, Rohtak. On appraisal of evidence, the tribunal came to the conclusion that accident was caused by respondent No.3 while driving offending bus in a rash and negligent manner. As regards quantum of compensation, the tribunal observed that deceased was 21 years of age at the time of accident. It assessed monthly income of the deceased as Rs.5580/- and after applying increase of 50% on account of future prospectus, the tribunal assessed monthly income of deceased as Rs.8370/-. After deducting 50% amount towards personal expenses of deceased, monthly dependency of claimants was assessed as Rs.4185/- and after applying a multiplier of 18, claimants were awarded compensation of Rs.9,03,960/-. After adding Rs.2,16,918/- for medical expenses, Rs.2,00,000/- for loss of love and affection and Rs.25,000/- for funeral expenses, a total compensation of Rs.13,45,900/- was awarded to the claimants along with interest @ 9% per annum from the date of filing of petition till realization.

There appears to be no apparent error in appraisal of evidence by the tribunal. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The appellant did not adduce any

evidence to prove that accident was not a result of rash and negligent driving of driver of the offending bus. The appeal is without any merit and is hereby dismissed.

April 27, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

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