

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

FAO No.2724 of 2017 (O&M)
Date of decision: April 27, 2017

General Manager, Rajasthan State
Road Transport Corporation ...Appellant

Versus

Sumitra Devi & 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 Hawa Singh 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 Hawa Singh, father

of claimants No.2 to 4 and husband of claimant No.1 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.5 while driving offending bus in a rash and negligent manner. As regards quantum of compensation, the tribunal observed that deceased was 50 years of age at the time of accident. He was working as Assistant in Forest Department. In view of Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006, the tribunal held that dependents are entitled to receive the deducted amount, receivable by the dependants of deceased Hawa Singh towards financial assistance equivalent to the loss of pay and wages of the deceased. The tribunal observed that widow of deceased is getting Rs.4000/- less than the full salary of the deceased and thus, claimants are entitled to this amount only towards loss of pay and wages. By applying a multiplier of '13', the tribunal granted Rs.6,24,000/- to the claimants. After adding Rs.1,00,000/- as loss of consortium to spouse, Rs.3,00,000/- towards loss of love and affection for children and Rs.25,000/- for funeral expenses, a total compensation of Rs.10,49,000/- 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