

**317 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-510-1999 (O&M)

Date of decision: 09.02.2018

The General Manager Rajasthan Roadways and another

.... Appellants

Versus

Ajay Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr.Rashpinder Singh Sohi, Advocate for
Mr. S.S.Behl, Advocate
for the appellants.

Mr. Sajjan Singh, Advocate
for respondents No.1 and 2.

None for respondent No.7.

Avneesh Jhingan, J.

The present appeal has arisen from award dated 04.04.1998 passed by Motor Accidents Claims Tribunal, Sonapat (hereinafter referred to as 'Tribunal').

The record of this case was burnt and has been reconstructed from the salvaged record and copies supplied by counsels, subject to all just exceptions.

An accident took place on 11.04.1995 at 2.00 p.m. Suraj Bhan was travelling in a bus owned by Rajasthan Roadways Corporation bearing

registration No.RJ-14P-3556. Near Bahalgarh, the bus hit a trailer bearing registration No.HR-29A-3217. As a result of the accident, Suraj Bhan suffered injuries which proved fatal.

In a claim petition filed under Section 166 of Motor Vehicles Act, 1988 (for short, 'the Act'), the Tribunal awarded a sum of Rs.3,84,000/- along with interest @ 12% per annum.

The Tribunal held that the owner of the bus is liable to pay compensation. While assessing the claim compensation, the Tribunal noted that the deceased was working with Delhi Police and was getting a salary of Rs.2933/-per month. A multiplier of 16 was applied keeping in view the age of the deceased.

Learned counsel for the appellants assailed the award arguing that the accident was result of contributory negligence of driver of the bus and of the trailer. He contended that the multiplier has wrongly been applied.

Learned counsel for the claimants defended the award and argued that the amount awarded is on the lower side.

The issue raised by learned counsel for the appellants regarding contributory negligence has no basis. The claimants had to discharge the onus to prove that the accident occurred due to rash and negligent driving of the bus. They succeeded in doing so by the deposition of PW2-Siri Krishan who was the eye witness to the accident. He stated in his deposition that the accident occurred as the bus was being driven rashly and negligently. It was because of his rash and negligent driving that the bus dashed into a

trailer. FIR was also registered against driver of the bus. There was no rebuttal by the appellants to the statement of the eye witness. He stood good on his statement in the cross-examination. In absence of any evidence in support of the contention raised by the appellants, same deserves to be rejected.

The issue regarding multiplier to be applied has been authoritatively decided by the Hon'ble Apex Court in case of **Sarla Verma and others vs. Delhi Transport Corporation and another, 2009(3) R.C.R. (Civil) 77.**

A table has been given in which according to the age of the deceased, multiplier is to be applied. For age group of 31 to 35, multiplier of 16 has to be applied. There is nothing on record to show that the multiplier applied is not in accordance with the age of deceased.

The appeal being bereft of any merits is dismissed.

(AVNEESH JHINGAN)
JUDGE

09.02.2018
anju

1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No