

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.5488 of 2012
Date of Decision: 27.03.2018

Reliance General Insurance Company Ltd.Appellant

Vs.

Raghunath Singh and OthersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Rajat Garg, Advocate, for
Mr.T.K.Joshi, Advocate, for the appellant.

Mr.Gaurav Sethi, Advocate, for respondents No.1 to 4.

Mr.Gitish Bhardwaj, Advocate, for respondents No.5 to 6.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 06.06.2012, passed by the learned Motor Accident Claims Tribunal, Ambala (for short, 'the Tribunal') vide which compensation to the tune of Rs.3,34,040/- was awarded to the claimant on account of death of Pritam Singh in a motor vehicle accident.

On 12.11.2009, Saroj Bala, Raj Rani and Ashok Kumar along with Pritam Singh (deceased), Trishla, Palvi, Sona Devi and Pushpa Rani started from Ambala Cantonment for Pathankot in tempo traveler bearing registration No.HR-58T-8545 which was being driven by Parminder Singh on correct side of the road at a moderate speed. When they reached near Gill Dhaba village Jionpura, the road of one side was closed due to cycle racing. Truck bearing registration No.HR-46B-0050 driven by the respondent No.1 at a very high speed came from the opposite side and hit the tempo traveller. Due to this accident, Pritam Singh sustained serious injuries and died at the spot while the other occupants sustained multiple simple and grievous injuries on various parts of their body. A case bearing FIR No.102 dated 13.11.2009 under Section 279, 337, 338. 304-A and 427 of IPC, 1860 was got registered in the Police Station Mulepur, District Fatehgarh Sahib.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 79 years old at the time of his death and the claimants produced on the record his pension certificate Ex.-29 for his last paid pension Rs.8101/- as evidence regarding income of the deceased. The factum of accident had been proved and the offending vehicle was not insured with any Insurance Company. The compensation has been assessed as under:

Sr.No.	Heads of compensation	Amount
1	Income	Rs.8101/- p.m.X 12= Rs.97,212/- per annum
2.	Deduction on personal expenses 1/3 rd	Rs.97,212/- --- Rs.32404/-= Rs.64,808/-
3.	Annual loss of dependency after applying the multiplier.	Rs.64,808/- X 5 =Rs.3,24,040/-
4.	Transportation cremation and last rites	Rs.10,000/-
	Total	Rs.3,34,040/-

On the other hand, the learned counsel for the respondent/Insurance Company has come up in appeal on the short ground that all the claimants were major son of the deceased. They were not dependent upon their deceased father.

The learned tribunal has held that claimants being sons of deceased Pritam Singh and beneficiary of his financial contributions to them and also being his class-I legal heirs and entitled to inherit his estate and other financial benefits were entitled to claim compensation on account of death of their father Pritam Singh in the road side accident in view of the judgment of Hon'ble Supreme Court in the case of **G.S.R.T.C Vs. Ramanbhai Prabhatbhai 1987 ACJ 561 (Supreme Court and Manjri**

(Supreme Court).

In view of the above, no modification is required to be made in the Award passed by the Tribunal and the present appeal is dismissed as such.

(RITU BAHRI)
JUDGE

27.03.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No