

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.5240 of 2014
Date of Decision:30.04.2018

Rajwinder Kaur and anr.

.....Appellants

Vs.

Kulwant Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Surinder Singh Walia, Advocate, for the appellants.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 03.12.2013, passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') vide which compensation to the tune of Rs.13,05,000/- was awarded to the claimants on account of death of Amandeep Singh son of Hardeep Singh in a motor vehicular accident.

FACTS NOT IN DISPUTE

On 29.03.2011, the deceased Amandeep Singh was coming to his home from his agricultural land situated in village Dupadi Bujurg on motor cycle bearing No.HR-05Z-5807 at a moderate speed and observing all the traffic rules. One Harpal Singh son of Surinder Singh was coming to Karnal on his separate motor cycle behind the motor cycle of deceased Amandeep Singh. When the deceased crossed the Nangal Chowk, in the meantime, a bus bearing registration No.HR-45-A-7389 came from the side of Karnal in a rash and negligent manner and without observing the traffic rules and struck the bus against the motor cycle of the deceased, as a result of which deceased fell down on the road along with his motor cycle and received injuries. One Harpal Singh shifted him to General Hospital, Karnal but he succumbed to the injuries on the way. A criminal case bearing FIR No.60

registered in Police Station Madhuban against respondent No.1.

COMPENSATION ASSESSED BY MACT

The Tribunal held that the deceased was 21 years old as per his postmortem report (Ex.P2) and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr.No.	Heads of compensation	Amount
1	Income as per casual labourer	Rs.5,000/- per month
2.	Future prospect 50%	Rs.5,000/-p.m. + Rs.2500/-= Rs.7500/-
3.	Deduction 1/3rd.	Rs.7500/- --- Rs.2500/-= Rs.5,000/-
4.	Total loss of dependency after applying the multiplier	Rs.5,000/- X 12 X 18= Rs.10,80,000/-
5.	Loss of consortium	Rs.1,00,000/-
6.	Loss of care and guidance for minor children	Rs.1,00,000/-
7.	Expenses on last rites	Rs.25,000/-
	Total	Rs.13,05,000/-

In view of the above calculation, learned Tribunal has granted compensation very just and reasonable in all counts and there is no modification is required thereunder. Hence, the present appeal dismissed as such.

(RITU BAHRI)
JUDGE

30.04.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No