

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

FAO No.3264 of 2017 (O&M)

Date of decision: 19.04.2018

Paramjit Kaur and others

....Appellants

Versus

Lakhwinder Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Maninder Singh, Advocate,
for Mr. Sachin Ohri, Advocate,
for the appellants.

Mr. Vinod Gupta, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Gurdaspur (hereinafter referred to as 'the Tribunal') vide award dated 02.11.2015, on account of death of Jaspal Singh in a motor vehicular accident which took place on 06.05.2014. Appellant No.1 is widow, appellant No.2 is mother and appellant Nos. 3 & 4 are children of deceased Jaspal Singh.

Brief facts of the case are that on 06.05.2014, at about 05.20 P.M, after his duty hours at Police Station, Dina Nagar, Jaspal Singh (since deceased) left for village Dhamrai on a motorcycle bearing registration No.PB-10-BK-5359. His brother Harpal Singh along with one Pal Singh was following him on a separate motorcycle No. PB-02-CB-4169. When Jaspal Singh reached at bye-pass Mugrala, in the meantime, a Tipper bearing registration No.PB-06-Q-8208 being driven by respondent No.1 in a

rash and negligent manner, came from the side of Dina Nagar and struck

against the motorcycle from rear side, as a result of which, he fell on the road and was crushed under the offending vehicle. Jaspal Singh was taken to Civil Hospital, Gurdaspur, but he succumbed to the injuries in the way. With regard to the incident, FIR No.75 dated 06.05.2014, under Sections 279/427/304-A IPC was registered at Police Station, Dina Nagar against respondent No.1. Consequently, the claimant-appellants filed a claim petition before the Tribunal.

COMPENSATION ASSESSED BY THE MACT

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of the rash and negligent driving of offending vehicle by its driver-respondent No.1 and thus, returned finding on issue No.1 in favour of the claimants. This finding was given on the basis of deposition of Harpal Singh (CW-2), who was an eye witness of the accident and on whose statement was recorded. Claimants have also proved on record postmortem report of deceased as Ex.P5.

Deceased-Jaspal Singh was employed as Assistant Sub Inspector with Punjab Police. As per salary certificate Ex.C2, his gross salary was Rs.44,682/- per month. He was drawing Rs.300/- as mobile allowance, Rs.100/- as ration allowance and Rs.500/- as fixed medical allowance. He was also paying Rs.1500/- per month towards income tax. The Tribunal has taken the monthly salary of deceased as Rs.44,682-2400 = Rs.42,282/-. In this amount, 30% addition has been made on account of future prospects, which came to Rs.12,685/-. By doing so, total monthly income of deceased was taken as Rs.54,967/-. Out of this income, ¼th amount has been deducted towards personal expenses of the deceased.

Monthly dependency of claimants came to Rs.41,225/- i.e. Rs.4,94,700/- per annum. As per postmortem report, deceased was 44 years of age at the time of death/accident. Accordingly, multiplier of 14 was applied. After applying the multiplier of 14, dependency of claimants came to Rs.69,25,800/-. In addition to it, Rs.1,00,000/- were awarded to claimant No.1 on account of loss of consortium, Rs.25,000/- as funeral expenses and Rs.1,00,000/- for loss of love and affection. Hence, the claimants were found entitled to total compensation of Rs.71,50,800/- along with interest at the rate of 7.5% per annum from the date of filing of petition till actual realization. Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

I have heard learned counsel for the parties and perused the case file.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. After going through the impugned Award, this Court is of the view that the compensation, on all the heads, has been rightly awarded by the Tribunal keeping in view the law prevalent at that time and no ground is made out to enhance the same. The evidence has been appreciated in the right perspective.

Resultantly, finding no merits, the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

19.04.2018
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No