

Sr. No. 121

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

FAO No.5892 of 2018 (O&M)

Date of Decision: 10.10.2018

Chief Manager, Rajasthan State Road Transport Corporation,
Hanumangarh Depot

... Appellant

Versus

Santosh Devi and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Anil Kumar Gahlawat, Advocate,
for the appellant.

TEJINDER SINGH DHINDSA, J.(ORAL)

The Rajasthan State Road Transport Corporation has filed the instant appeal assailing the award dated 23.04.2018 passed by the Motor Accident Claims Tribunal, Hisar and in terms of which a compensation amount of Rs. 15,58,825/- along with interest @ 7.5% per annum from the date of filing of the claim petition has been awarded in favour of the claimants on account of death of Hawa Singh in a motor vehicle accident that took place on 11.04.2016.

Claimants were the widow, two minor children and aged mother of the deceased.

Counsel for the appellant has been heard at length.

The scope of the instant appeal has been confined only with regard to quantum of compensation.

Suffice it to notice that the Tribunal has assessed the

monthly income of the deceased to be Rs.10,180/- relying upon a certificate Ex.P-9 issued by Meenu Coach Bus Service, Bhadra and which reflected that the deceased had been working as a 'driver' of a commercial vehicle for the last 8-10 years and was getting salary of Rs.10,000/-.

Also adduced on record was Ex.P-6 i.e. driving licence of Hawa Singh (since deceased) pertaining to LMV Transport, Transport Rigid Chassis. The age of the deceased has been accepted to be 48 years as on the date of accident by taking note of the date of birth reflected in the matriculation certificate Ex.P-5 i.e. 26.06.1967. Tribunal has awarded 25% addition in income towards future prospects. 1/4th deduction has been made towards personal and living expenses of the deceased keeping in view the number of dependents. Multiplier of 13 has been applied to the multiplicand. An amount of Rs.70,000/- has been awarded under the conventional heads i.e. loss of consortium, loss of estate and towards funeral expenses.

Learned counsel has not been able to dispute that the awarded compensation is as per dictum laid down by the ***Hon'ble Supreme Court in Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another 2009 (3) RCR (Civil) 77 and National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.***

No scope for interference is made out.

Appeal is dismissed without prejudice to the rights of the claimants to seek enhancement in accordance with law.

Disposed of.

10.10.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No