

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

FAO 6379 of 2018 (O&M)
Date of decision: 11.12.2018

PEPSU Road Transport Corp. Bathinda through its General Manager
.Appellant

versus

Beant Kaur and others *.....Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Harsh Chopra, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 01.11.2017 passed by the Motor Accidents Claims Tribunal, Bathinda, whereby compensation has been assessed on account of death of Jaswant Singh that took place on 13.09.2014.

Apart from the fact that the appeal has been preferred after a delay of 94 days in filing and 88 days in refiling the appeal, the appeal sans merit and deserves to be rejected.

The first submission made by counsel is that application for compensation has been filed by the widow, two minor children and parents of deceased but during life time of father of the deceased, mother cannot be held to be dependent and as such, deduction for personal expenses of the deceased should be 1/3rd as against 1/4th allowed by the Tribunal. The second submission made by counsel is that compensation assessed by the Tribunal is on higher side and needs reduction.

Contention raised by counsel that mother of the deceased is

not entitle to loss of dependency is misconceived and liable to be rejected. The mother is not only a legal representative but also Class I heir of deceased Jaswant Singh, thus, becomes entitle to compensation. In the given scenario, the Tribunal has rightly taken into consideration entitlement of mother and accordingly applied a cut of 1/4th for personal and living expenses of the deceased.

Indisputably, the deceased was a solider and his salary certificate is marked Ex C13 - C17. The Tribunal on the basis of salary of the deceased has assessed loss of dependency by correctly applying addition in income for future prospects, appropriate multiplier and deduction for personal and living expenses. Under conventional heads, a sum of Rs.70,000.00 has been allowed in the light of judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270.***

Counsel for the appellant has failed to point out as to how compensation assessed by the Tribunal is on higher side and needs reduction.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

11.12.2018
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