

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2323 of 2019 (O&M)
Date of decision: 15.5.2019

Pepsu Road Transport Corporation and others

.. Appellants

v.

Sukhvinder Kaur and others

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikas Mehsempuri, Advocate for the appellants.

...

AVNEESH JHINGAN, J. (Oral)

Aggrieved of the order dated 20.10.2018 passed by the Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal'), the owner of bus bearing registration NO. PB-03-AP-5595 (hereinafter described as 'the offending vehicle') has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act').

The factum of accident, rash and negligent driving of the offending vehicle and liability to pay the compensation has not been challenged.

The only grievance raised is that the Tribunal awarded a sum of ₹16,90,000/- along with interest @ 6% per annum for death of Saranjit Kaur, aged 37 years, who lost her life in a motor vehicular accident that took place on 21.7.2017. The grievance raised is that the notional monthly income assessed of ₹9,000/- is on the higher side as the deceased was a

house-wife. It is argued that for loss of consortium ₹40,000/- has been

awarded, but the husband died in the same accident.

The contention raised lacks merit. It was pleaded that the deceased was doing stitching work apart from rendering her services to the family. She was survived by four children in the age group of 16 to 21 and old parents-in-law. Having such a large family, belonging to a middle class, she along with her husband would have tried to provide the best possible amenities to the children by working hard. The income assessed by the Tribunal cannot be considered to be exorbitant. In cases where the claimants failed to prove the earning of the deceased, various aspects including minimum wages prevalent at the relevant time is to be considered. It is the duty of the court to award just and equitable compensation. No interference is called for in the income of the deceased assessed by the Tribunal.

There is no challenge to the deduction made for self expenses and multiplier applied.

The husband of the deceased also lost his life in the same accident. Four children, three of whom are in their teenage, have lost their parents. In such circumstances, it is not considered appropriate to interfere with the meager amount of ₹40,000/- awarded for loss of consortium.

The appeal is dismissed accordingly.

(AVNEESH JHINGAN)
JUDGE

15.5.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No