

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO No.2320 of 2019 (O&M)

Date of Decision: 01.04.2019

Pepsu Road Transport Corporation and others

..... Appellants

Versus

Sukhvinder Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Umesh Kumar, Advocate, for
Mr. Vikas Mehsempuri, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM-7465-CII-2019

Application is allowed and the delay in re-filing the appeal is
condoned.

Main Case

Owner is in the appeal against the award passed by the Motor
Accident Claims Tribunal, Chandigarh assessing compensation payable on
account of death of Baljeet Singh to the tune of Rs.16,45,000/-. It will be
noted here that husband and wife died in a motor vehicular accident and
there is no challenge to the finding of the Tribunal on rash and negligent
driving.

Learned counsel for the appellants has raised two arguments.

That the income assessed by the Court at Rs.10,000/- is on the
higher side as minimum income as per the notification is Rs.9300/-. He has
further submitted that consortium of Rs.40,000/- has been awarded to the

claimants. He submitted that in absence of wife, no consortium was payable.

This Court has considered the submission. Baljit Singh died at the age of 42 was working as a Mason, therefore, he cannot be treated merely as skilled labour. A Mason who knows the construction work is paid much more than a skilled labourer. These days, good masons are not even available, therefore, the income assessed is not on higher side. As regard entitlement of the claimant with regard to consortium, the Hon'ble Supreme Court in the case of Magma General Insurance Company Ltd. Vs. Nanu Ram alias Chuhru Ram and others 2018(4) Law Herald (P&H) 2786 has held that the parents are also entitled to filial consortium @ Rs.40,000/- each.

In view thereof, there is no ground to interfere.

The pending miscellaneous applications, if any shall stands disposed of accordingly.

Appeal is dismissed.

01.04.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No