

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

**FAO No.1248 of 2019 (O&M)
Date of decision: 27.08.2019**

Karni Devi and others

....Appellants

Versus

Ram Kumar @ Ramu and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ram Pal Verma, Advocate,
for the appellants.

RITU BAHRI J. (Oral)

CM No.3706-CII of 2019

For the reasons mentioned in the application, same is allowed and delay of 154 days in re-filing of the appeal is condoned.

FAO No.1248 of 2019

This appeal has been filed by the claimant-appellants seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as 'the Tribunal') vide award dated 10.01.2018 on account of death of Om Parkash in a motor vehicular accident which took place on 24.03.2016. Appellants No.1 is widow and appellant Nos. 2 & 3 are children of deceased Om Parkash.

Brief facts of the case are that on 24.03.2016, Om Parkash (since deceased) and Ramesh were going from village Garh Mirakpur towards their village Rewali, District Sonapat on a Moped. At about 3.00

P.M., when they reached near village Kumaspur, a car bearing registration No. DL-12-C-6501, being driven by Ram Kumar @ Ramu-respondent No.1 in a rash and negligent manner, came from behind and hit their moped, as a result of which, Ramesh and Om Parkash received multiple grievous injuries. Later on, Om Parkash succumbed to the injuries. With regard to the incident, FIR No. 109 dated 26.03.2015 was registered against respondent No.1 at Police Station, Murthal. Consequently, the claimant-appellants filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that the accident had taken place on account of rash and negligent driving of the offending vehicle by its driver, which resulted into the death of Om Parkash and caused injuries to Ramesh. This finding was rightly given on the basis of deposition of Ramesh (PW-1), who was injured eye witnesses of the accident. Apart from this, claimants have also proved on record documents Ex.P1 to Ex.P57.

On the basis of evidence adduced by the claimants, income of the deceased was assessed as Rs.6,000/- per month, out of which, one-third amount was deducted towards his personal expenses. By doing so, the total income of deceased came to Rs.4000/- per month i.e. Rs.48,000/- per annum. As per postmortem report, deceased was 69 years of age at the time of death/accident. Accordingly, multiplier of 05 was applied. After applying the multiplier of 05, dependency of claimants came to Rs.2,40,000/- (48,000/- x 05). In addition to it, Rs.40,000/- were awarded on account of loss of consortium, Rs.15,000/- for funeral expenses, Rs.15,000/- for loss of estate and Rs.2,65,000/- on account of the expenses incurred on treatment of deceased. Hence, the claimants were found entitled to total compensation of

Rs.5,75,000/- along with interest @ 7% per annum from the date of filing of the petition till realization. Feeling dissatisfied with the impugned award, the claimant-appellants have preferred the present appeal.

The fact of accident is not in dispute. It stands duly proved that the deceased has died as a result of the accident, which had taken place due to rash and negligent driving of the offending vehicle by its driver-respondent No.1.

After hearing learned counsel for the appellant and going through the impugned award, this Court is of the view that income of the deceased has been rightly assessed by the Tribunal keeping in view the minimum wages prevalent at that time in State of Haryana. Compensation under other heads has also been rightly awarded by the Tribunal in favour of the claimants. No further modification is required to be done in this case. Hence, no ground is made out to interfere in the impugned award.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

27.08.2019
ajp

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