

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

**LPA No. 477 of 2019 (O&M)
Date of decision: 03.05.2019**

Kanwaljit Kaur and others

... Appellants

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

**Present: Mr. B.D. Sharma, Advocate,
for the appellants.**

KRISHNA MURARI, CHIEF JUSTICE (Oral)

This intra-court appeal, under Clause X of the Letters Patent, is directed against the judgment and order dated 25.1.2018, passed by the learned Single Judge, whereby the writ petition filed by the petitioners-appellants was allowed and a sum of ₹13,60,000/-, along with interest @ 6% per annum, was awarded as compensation on account of death of one Jagdeep Singh.

Facts relevant for the purpose of adjudication of the controversy at hands, in brief, can be summarized as under.

Deceased-Jagdeep Singh, while going to Dera of Bikramjit Singh on a tractor-trolley loaded with sand, came into contact with an electric wire, as a result whereof, he died at the spot due to electrocution.

The learned Single Judge, after analyzing the facts and circumstances as also the evidence brought on record, concluded that death had occurred because of the fault of respondents, who did not maintain the faulty electric line carrying 11 KV current, which was sagging below, on account of which it came into the contact with the tractor trolley, resulting into the death of Jagdeep Singh.

The learned Single Judge, thereafter proceeded to determine the compensation payable to the appellants-petitioners, who were the dependents of the deceased, by applying the principles for awarding compensation under the Motors Vehicles Act, 1988. In the absence of any evidence, the learned Single Judge took notional income of the deceased to be ₹10,000/- per month. Consequently, a compensation to the tune of ₹13,60,000/- was determined and interest @ 6% per annum from the date of death till actual payment of the compensation was also awarded.

Learned counsel for the appellants contends that the appellants-petitioners are entitled for higher compensation, though no material has been placed before us to substantiate the argument.

From a perusal of the impugned judgment and order, we find that the learned Single Judge, in the absence of any specific provision for making assessment of compensation in such cases, has rightly proceeded to adopt the principles, for awarding compensation in a motor vehicular accident and has rightly come to the conclusion that petitioners-appellants are entitled for payment of the aforesaid compensation.

In view of the abovesaid facts and circumstances, we neither find any infirmity in the judgment passed by the learned Single Judge, nor any cogent evidence could be pointed out before us for enhancement of the compensation.

The appeal accordingly fails and stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 03, 2019
AK Sharma

Whether speaking / reasoned:
Whether Reportable:

YES
NO