

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-1803-2019

Date of decision: 28.11.2019

Chanan Singh

..... Appellant

Versus

Manpreet Singh @ Nikka and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. IS Brar Advocate for the appellant.

Mr. Punit Jain, Advocate for respondent No. 4.

Service of respondents No. 1 to 3 and 5 already
dispensed with vide order dated 03.09.2019.

RAMENDRA JAIN, J. (ORAL)

Vakalatnama filed on behalf of respondent No. 4 is taken on record. Be tagged at the appropriate place.

Through this appeal, the appellant-claimant has sought enhancement of compensation, modifying impugned Award dated 05.09.2018 of the Motor Accident Claims Tribunal, Faridkot (for short 'the Tribunal'), on account of death of his father-Dara Singh, aged around 70 years at the time of his death in a motor vehicular accident, allegedly caused by respondent No. 1, while driving offending mini bus bearing registration No. PB-04-V-2402, in a rash and negligent manner, initially owned by respondent No. 2, subsequently, respondent No. 3 and insured with respondent No. 4, impleading his mother as proforma respondent No. 5.

Briefly, in the morning of 22.05.2017, Dara Singh, father of appellant met with an accident allegedly caused by respondent No. 1, while driving offending mini bus bearing registration No. PB-04-V-2402, in a rash and negligent manner. He was shifted to GGS Medical College and Hospital, Faridkot. But, on account of his serious condition, he was further referred to PGIMER, Chandigarh, from where he was discharged on 25.05.2017. However, Dara Singh felt some pain in his injuries and thus, again was brought to GGS Medical College and Hospital, Faridkot, but succumbed to his injuries on the way. A sum of ₹80,000/- was spent towards the medical expenses of deceased-Dara Singh and ₹1,50,000/- on his cremation and last rites, besides incurring transportation charges of ₹15,000/- for transporting his body and ₹50,000/- at home for his care.

With these broad submissions, appellant filed a claim petition under Sections 140 and 166 of the Motor Vehicles Act, 1988, before the learned Tribunal, Faridkot, for grant of compensation of ₹40,00,000/-, who after holding trial awarded compensation of ₹3,67,500/- along with interest @ 7% per annum from the date of filing claim petition till realization.

Heard.

Perusal of file shows that in the claim petition, appellant specifically claimed age of his mother as 72 years. In Indian Society, normally, a husband is 2-3 years older to his wife. Thus, it can safely be presumed that deceased-Dara Singh at the time of his death was more than 72 years old. However, learned Tribunal relying upon post-mortem report considered his age as 70 years which is always written by

approximation and awarded compensation to the appellant, without asking him to produce the death certificate of Dara Singh. Hence, in the considered opinion of this Court, compensation awarded to the appellant and proforma respondent No. 5, in view of advance age of deceased is quite adequate. There is no scope of enhancement, inasmuch as, the appellant, being aged around 48 years, has been awarded ₹1,00,000/- as compensation despite the fact that he could not have been treated as dependent upon his deceased father. Rather, compensation in excess has been awarded to him.

Relying upon a judgment of Apex Court in **Anant Vs. Pratap and another**, 2018 ACJ 2773, learned counsel for the appellant has prayed for grant of interest @ 9% per annum.

However, this Court is not inclined to enhance the rate of interest, in view of the fact the no proposition of law has been laid down in **Anant's case (supra)**, qua interest rather, the Apex Court considering peculiar facts and circumstances of that particular case awarded interest at the said rate. Therefore, no benefit of the same whatsoever can be given to the appellant.

In view of discussion made above, the instant appeal, being completely devoid of any merit, is dismissed.

November 28, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No