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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1265-2004 (O&M)
Date of decision : 27.5.2019

Smt. Raj Sayal and another ....Appellants.

Versus

Pargat Singh and ors .... Respondents.

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.A. Yadav, Advocate for the appellants.

Mr. Vinod Chaudhari, Advocate for Insurance Company.

KULDIP SINGH, J.

Heard.

Appellants are aggrieved by the Award dated 20.12.2003, passed by Motor Accident Claims Tribunal, Chandigarh (for short 'the Tribunal') vide which on account of death of Sehdev Sayal aged about 63 years, compensation to the tune of Rs. 3,30,000/- was awarded along with interest @ 9% per annum from the date of filing of the claim petition till payment.

Feeling dissatisfied with the said compensation, claimants-appellants preferred the present appeal.

Brief facts of the case are that Sehdev Sayal aged about 63 yeas who was a pensioner and was doing the job in Dr. Uppal's Testing and Analytical Laboratory, Industrial Area, Chandigarh. On 2.6.1999 at about 1.00 PM, Sehdev Sayal, while going on his jeep bearing registration No. DL-4C-D-7581 from Chandigarh to Ambala for collecting the samples , was hit by the truck coming from the opposite direction. As a result of which the jeep turned turtle and struck against a Maruti Car bearing registration No. CH01V-8333. Sehdev Sayal died at the spot. The case of rash and negligent driving was registered against respondent No. 1-driver of the jeep.

The Tribunal held that the driver of the jeep was negligent. The Tribunal found that in May, 1999, the deceased received Rs. 5027/- as pension. According to the statement of Dr. Gurjinder Singh Modi, Senior Accounts Officer in Dr. Uppal's Testing and Analytical Department, he was paid Rs. 5,000/- per month as salary. However, the Tribunal took into consideration the income tax return for the year 1.4.1998 to 31.3.1999 where the income of the deceased was shown to be Rs. 1,09,969/- and income tax amounting to Rs. 10494/- was shown to be paid.

I am of the view that the income shown in the income tax return is to be taken as correct. The income of the deceased after the payment of income tax, comes to Rs. 99475/-. From the said income 1/3rd is deducted as personal expenses i.e. Rs. 33,158/-. The dependency of the claimants-appellants come to Rs. 66,317/- per annum. Considering the age of the deceased i.e. 63 years, multiplier of 7 is applied. Hence, the total amount of compensation comes to Rs. 4,64,219/-. After adding Rs. 70,000/- under the conventional heads i.e., funeral expenses, loss of estate, consortium total amount of compensation comes to Rs. 5,34,219/-.

Accordingly, the appeal is allowed. The compensation is enhanced from Rs. 3,30,000/- to Rs. 5,34,219/-. The enhanced compensation be paid to the claimants-appellants in equal shares. Since, it is recorded in the order dated 15.3.2019, passed by this Court that appellant No. 1 has died, his share in the compensation shall also go to his class-I heir.

(KULDIP SINGH)
JUDGE

27.5.2019
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Whether speaking / reasoned Yes
Whether Reportable: No