

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.5332-2004(O&M)

Date of decision: 23.07.2019

Ranjit Kaur and another

..Appellants

versus

Gulzar Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Fariad Singh Virk, Advocate for the appellants
Mr.Pardeep Goyal, Advocate for respondent no.3

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

CM 1599-C-II-2016

Appellant wants to implead Gurpias Singh as appellant no.3 as he was born after the death of the deceased father.

CM is allowed. Gurpias Singh is ordered to be impleaded as appellant no.3. Amended memo of parties is taken on record.

CM 1598-C-II-2016

By way of additional evidence, birth certificate of appellant no.3 is sought to be produced. CM is allowed. Birth certificate is taken on record as Annexure A-1.

FAO 5332-2004

Gurpiar Singh aged about 20-22 years, while driving scooter bearing Registration Number PB-31C-3392 was hit by a Canter bearing

Registration Number PB-02K-9747 being driven by respondent no.1 -Gulzar Singh rashly and negligently. As a result of the accident, Gurpiar Singh received multiple injuries. He was being taken to Bathinda hospital, but he died in the way. Deceased left behind his wife and mother, who were claimants before the Tribunal. As a child was born after the death of the deceased father, therefore, by way of an application, he was ordered to be impleaded as one of the appellants/claimants vide order passed today.

In the absence of any proof that the deceased was having any income from the photography, videography and painting, the Tribunal took the income of the deceased to be Rs.2000/- as on the date of the accident i.e. 13.7.2002 and allowed compensation to the tune of Rs.2,15,000/-.

I have heard learned counsel for the parties and have carefully gone through the file.

So far as income of the deceased is concerned, in the absence of any proof, the Tribunal rightly assessed the income of the deceased to be Rs.2000/- as in the year 2002 to be of ordinary labourer. 40% i.e. Rs.800/- are to be added on account of future prospects. Total income of the deceased comes to Rs.2800/-. $\frac{1}{3}^{\text{rd}}$ i.e. Rs.933/- are deducted as personal expenses. Dependency of the claimants comes to Rs.1867/-. Considering the age of the deceased, multiplier of 18 is applied. Amount of compensation comes to $\text{Rs.}1867 \times 12 \times 18 = \text{Rs.}4,03,272/-$. Rs.70,000/- on account of loss of estate, loss of consortium and funeral expenses are allowed. Another sum of Rs.40,000/- to the minor on account of loss of parental affection is allowed. Total amount of compensation comes to Rs.5,13,272/-, which is to be paid by the insurance company of the offending vehicle i.e. respondent no.3 within two months from the date of

passing of the order. The enhanced compensation is ordered to be paid with interest @ 7.5 per annum from the date of filing of claim petition till realization. Out of the compensation, a sum of Rs.50,000/- shall go to the mother of the deceased. Out of the remaining amount one half shall go to the widow and one half shall go to the minor son.

Appeal is accordingly allowed.

23.07.2019

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No