

F.A.O. No. 5247 of 2013 (O&M)

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

**F.A.O. No. 5247 of 2013 (O&M)
Date of Decision:26.04.2019**

Balwinder Kaur and another

.....Appellants.

Versus

Darshan Singh and others

..... Respondents.

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: None.

LISA GILL, J.

This appeal has been filed by the appellants seeking enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Amritsar, vide award dated 05.11.2012 on account of death of Sukhraj Singh i.e., son of the appellants in motor vehicle accident, which took place on 02.12.2011. Sukhraj Singh was claimed to be earning a sum of ₹3300/- per month.

A perusal of the file reveals that this appeal was adjourned on the last date of hearing for today as arguing counsel for the appellants was not present and last opportunity had been sought to address arguments.

Today, there is no representation on behalf of any of the parties.

Though, the appeal can be dismissed in default, however, the said course is not being adopted as the present is an appeal filed by the claimants seeking enhancement of the compensation awarded on account of death of Sukhraj Singh in the motor vehicle accident, which took place on 02.12.2011. It is considered just and expedient to decide the matter on merits

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rather than dismiss the same for non-appearance of the learned counsel for the appellants. Available file has been perused.

As per averments in the claim petition under Section 163-A of the Motor Vehicles Act (for short 'Act'), Sukhraj Singh (deceased), on 01.12.2011, was on duty as a conductor on truck bearing registration no. PB-30-A-9539. After loading the crusher from Pathankot, they were going to Amritsar. At about 3.30.a.m., i.e., on 02.12.2011, tyre of their truck was punctured near Adda Ranjit Singh Bagh on Pathankot-Gurdaspur Road. After switching on parking lights of the truck, Satnam Singh parked the truck on the left side of the road. When Satnam Singh and Sukhraj Singh were in the process of removing the punctured tyre and replacing the same, the offending truck bearing registration no. PB-08-BL8845, struck into their truck in a rash and negligent manner. As a result thereof, Satnam Singh and Sukhraj Singh received fatal injuries and died at the spot. FIR No. 245 dated 02.12.2011, under Sections 304-A, 279, 427 IPC, Police Station Dina Nagar, District Gurdaspur, was registered in this respect.

Learned tribunal on considering the evidence on record concluded that Sukhraj Singh died in the motor vehicle accident which took place on 02.12.2011 due to the rash and negligent driving of respondent no.1-Darshan Singh. Claimants examined PW-1-Madha Singh, Transporter, who has proved that the deceased Sukhraj Singh was employed as a conductor on truck bearing registration no. PB-30-A-9539. Deceased-Sukhraj Singh, it is stated was paid a salary of ₹3300/- apart from two meals and accommodation. Learned tribunal has accepted income of the deceased-Sukhraj Singh to be ₹3300/- per month as pleaded. In terms of the 2nd

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Schedule of the Act, multiplier of 16 has been correctly applied by the learned tribunal. Deduction of 1/ 3rd is also correctly effected by the learned tribunal. Claimants have been awarded a sum of ₹2000/- towards funeral expenses and ₹25,00/- on account of loss of estate.

I do not find any ground whatsoever to interfere in the amount of compensation so awarded by the learned tribunal in terms of the specific provisions of 163-A of the Act. However, it is noticed that interest at the rate of 6% has been awarded. In the given facts and circumstances of the case, interest at the rate of 7.5% instead of 6%, is awarded to the appellants from the date of filing of this petition till its realisation.

Copy of the order be conveyed to the appellants at the address available on the file. In case of any grievance, the appellants are at liberty to move an appropriate application within two months of receipt of a copy of this order.

With the abovesaid modification, present appeal is disposed of.

26.04.2019

s.khan

**[LISA GILL]
Judge**

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