

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

FAO-6350-2015(O&M)

Date of decision:-23.7.2019

Jagtar Singh and others

...Appellants

Versus

Mandeep Singh alias Prince and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Loveinder Kaur, Advocate
for the appellants.

Mr.Ashok Kumar Singla, Senior DAG, Punjab.

Mr.Rahul Pathania, Advocate
for respondent No.3.

H.S. MADAAN, J.

On account of death of Jagdish Singh in a motor vehicular accident, which took place on 10.4.2014 at about 9:00 a.m. in the area of near bus stand Kalajhar, statedly on account of rash and negligent driving of Bolero jeep bearing registration No.PB-13Z-3773 (hereinafter referred to as the offending vehicle) being driven by respondent No.1 – Mandeep Singh, his legal heirs namely Smt.Amarjit Kaur, aged about 42 years – mother, Sh.Jagtar Singh, aged about 45 years – father and Ms.Daljit Kaur,

aged about 19 years – unmarried sister had brought a claim petition under Section 166 of the Motor Vehicles Act against respondents i.e. Mandeep Singh @ Prince – driver, Member Secretary A.D.C.(D), Sangrur – owner and United India Insurance Company Ltd. - insurer of the offending vehicle before Motor Accidents Claims Tribunal, Sangrur (hereinafter referred to as the Tribunal), claiming compensation to the tune of Rs.50 lakhs along with interest.

Notice of the claim petition was given to the respondents, who put in appearance and filed written statements contesting the claim petition. Issues on merits were framed. The parties were afforded adequate opportunities to lead evidence.

After hearing, the claim petition was allowed by the Tribunal vide award dated 30.3.2015 and compensation of Rs.10,97,000/- along with interest @ 7.5% per annum from the date of filing of the petition till realization was awarded to the claimants payable by all the respondents jointly and severally. The manner in which the compensation is to be apportioned is also given in the award.

The claimants felt aggrieved by the said award and have approached this Court by way of filing an appeal seeking enhancement of compensation awarded to them. Notice of the appeal was issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

The Tribunal considering the facts and circumstances of the case on the basis of evidence available on the record has returned a

finding that Jagdish Singh had died in the motor vehicular accident due to rash and negligent driving of the offending vehicle by respondent No.1, as such the respondents were liable to pay compensation. Coming to the quantum part, the Tribunal has taken age of deceased to be 20 years in view of his date of birth entered in his Class 12th certificate Ex.C4 and age mentioned in the postmortem report. The claimants had contended that deceased was student of B.A. Second year at the time of accident; that he was an agriculturist and was doing dairy farming and selling milk. However, for want of cogent and convincing evidence, version of the claimants in that regard was not believed and it was observed that it is not believable that deceased was studying and also working as agriculturist and engaged in dairy farming but then it was observed that the young persons in the villages have to do work alongwith studies. Thus, considering the minimum wages of unskilled labourers to be more than Rs.6,500/- per month and that the deceased was admittedly studying and doing business, his income was taken to be Rs.6,000/- per month.

The Tribunal added 50% of the assessed income towards future prospects but then deducted 50% of the amount towards personal and living expenses of deceased, finding annual dependency of the claimants to be Rs.54,000/-. The multiplier of 18 has been used while calculating the compensation. Funeral expenses of Rs.25,000/- have been awarded and Rs.1 lakh has been awarded towards love and affection, total compensation worked out to be Rs.10,97,000/-. The compensation can certainly be not taken to be on lower side and no case for enhancement of the same is made out.

Findings no merits in the present appeal, the same stands dismissed.

23.7.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No