

FAO- 5477 of 2016(O&M)
Date of Decision:30.1.2019

Sarwan Kumar and others

---Appellants

vs.

Amit Kaushal and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. R.K.Arya, Advocate
for the appellants

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Dhiano Devi in a motor vehicular accident that took place on 21.4.2015.

The Motor Accidents Claims Tribunal, Gurdaspur (in short “the Tribunal”) has awarded compensation of Rs. 3,00,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 4000/-
Deduction for personal expenses	1/4 th
Multiplier	7
Loss of dependency	Rs. 2,52,000/-
Loss of love and affection and funeral expenses	Rs, 48,000/-

The claimants are the grand children of deceased Dhiano Devi.

They were not dependant upon deceased as their parents were alive but unfortunately, Satpal father of the claimants also died in the same accident. Taking into consideration age of the deceased coupled with the factum that claimants, at best, can be allowed compensation for loss of estate in respect of death of their grand mother, there is no justification for allowing compensation over and above what has been allowed by the Tribunal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

(Rekha Mittal)
Judge

30.1.2019
paramjit

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