

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

FAO-7077-2015 (O&M)

Date of decision: 28.11.2019

Raj Rani and others

...Appellants

Versus

Roshan Lal and others

...Respondents

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

Present: None for the appellants.

Mr. Ishant Khangwal, Advocate for
Mr. M.B Jain, Advocate for respondent No.3.

Mr. Punit Jain, Advocate for respondent No.5.

H.S. MADAAN, J.

On account of death of Ishwar son of Tek Ram, aged about 50 years, statedly engaged in avocation of a mason, in a road side accident, which took place on 21.12.2013 at about 9.00 pm, in the area near Power Grid Corporation in the area of Village Mayyar, statedly on account of rash and negligent driving of truck No.HR-57-3514 (for short 'the offending truck') by respondent No.1 Roshan Lal, legal representatives/legal heirs of deceased, namely his widow Smt. Raj Rani, aged about 40 years, son Manjeet, aged about 20 years, another son Manpreet, minor aged about 13 years had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against respondents i.e. Roshan Lal-driver, Harpreet Singh-owner and Iffco Tokio General

Insurance Company Ltd., Hisar-insurer of the offending truck, besides Gullu Ram-owner and Chola mandalam MS General Insurance Company Ltd., Hisar-insurer of Auto bearing registration No.HR-39-B-7586, in which the deceased was travelling at the relevant time.

On being put to notice, all the respondents put in appearance. On conclusion of trial, Motor Accidents Claims Tribunal, Hisar (for brevity 'the Tribunal'), vide award dated 09.01.2015, accepted the claim petition and awarded compensation of Rs.8,65,040/- to the claimants payable by respondents No.1 to 3, jointly and severally, with interest @ 7.5% p.a. from the date of filing of claim petition till actual realization. The claim petition qua respondents No.4 & 5 was, however, dismissed.

The claimants were dissatisfied with the amount of compensation awarded to them by the Tribunal and have approached this Court, by way of filing the present appeal seeking enhancement of compensation, notice of which was given to the respondents, however, only respondents No.3 & 5 have put in appearance to offer a contest.

For the last two dates of hearing, there has not been any representation on behalf of the appellants, however, since the appeal is quite old, I proceed to decide it after hearing counsel for the appearing respondents and going through the record.

The Tribunal had taken the age of deceased to be 50 years, his monthly income has been taken to be Rs.7260/-, keeping in view the minimum wages prevalent in the State of Haryana in view of the Haryana Government notification for the year 2013-14. However, no addition

towards future prospects has been made and in view of age of the deceased, 10% of the amount can be added towards future prospects. In that way, monthly income of the deceased comes out to Rs.7986/-.

Keeping in view the number of dependent family members, deduction of 1/3rd of the amount is to be made towards personal and living expenses of the deceased, annual dependency comes out to Rs.63888/- and multiplier of 13 is to be applied. Doing that, the compensation arrived at Rs. 830544/-.

A sum of Rs.70,000/- is to be awarded under the conventional heads i.e. Rs.15,000/- on account of loss of estate, Rs.40,000/- towards loss of consortium and Rs.15,000/- as funeral expenses. Thus, the total compensation payable is arrived at Rs.9,00,544/-.

The Tribunal has awarded compensation of Rs.8,65,040/-. In that way, the claimants are entitled to get additional compensation of Rs.35,504/-. They would be entitled to get interest @ 7.5% p.a., on the additional amount of compensation from the date of filing of appeal till actual realization. The other terms & conditions shall remain the same as given in the original award.

With such modifications, the appeal is partly allowed.

28.11.2019
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No