

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

C.M No. 23941-CII of 2016 in/and
FAO No. 6885 of 2016 (O&M)
Date of decision: 05.12.2019

Meharban Singh & Ors.

... Appellants

Vs.

Vikram Singh & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. S.K. Bansal, Advocate, for the appellants.

ALKA SARIN, J.

C.M No. 23941-CII of 2016

For the reasons stated in the application, the delay of 290 days in filing the appeal is condoned.

C.M stands disposed of.

FAO No. 6885 of 2016

The present appeal has been preferred by the claimants against the award dated 20.04.2015 passed by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as, 'the Tribunal'). The Tribunal had returned a finding that the claimants were the brothers of deceased- Prem Singh and were not dependant on him during his life time. It was further held that according to the record, deceased - Prem Singh was unmarried and aged about 45 years. The claimants were fully settled in their life and were earning handsomely and looking after their respective families. The said fact was admitted by the claimants Jaspal Singh and Meharban Singh, in their cross-examination.

The Tribunal awarded an amount of ₹50,000/-. Keeping in view the law laid down by the Apex Court in case of **Smt. Manjuri Bera Vs. The Oriental Insurance Company Ltd.**, 2007(10) SCC 643, the Tribunal also awarded

an amount of ₹16,500/- towards the medical bills pertaining to the treatment of

Prem Singh (deceased) and further an amount of ₹25,000/- towards funeral expenses.

The brief facts shorn of all unnecessary details are that on the fateful day i.e. 01.05.2012 at about 3:00 pm, Prem Singh (deceased) alongwith his brother Jaspal Singh were going towards Gurteg Market near Dukhniwaran Sahib on foot in connection with some official work. When Prem Singh was about to cross the road, a truck bearing registration No. PB-11-AM-9189 being driven in a negligent manner came from the Flyover at a high speed and struck the deceased. Resultantly, said Prem Singh was crushed under the truck. Thereafter, he was taken to Rajindra Hospital, Patiala, where he succumbed to his injuries on 21.05.2012. The driver of that truck disclosed his name as Vikram Singh and a case under Section 279 and 337 IPC was registered against him.

I have heard learned counsel for the appellants.

Learned counsel for the appellants has argued that the Tribunal has erred in holding that the appellants were not dependent on the deceased Prem Singh and hence not entitled to claim compensation under Section 166 of the Motor Vehicles Act, 1988.

The Apex Court in case of **Smt. Manjuri Bera (Supra)** has held as under:-

“15. Judged in that background where a legal representative who is not dependant files an application for compensation, the quantum cannot be less than the liability referable to Section 140 of the Act. Therefore, even if there is no loss of dependency the claimant if he or she is a legal representative will be entitled to compensation, the quantum of which shall be not less than the

liability flowing from Section 140 of the Act. The appeal is allowed to the aforesaid extent. There will be no order as to costs. We record our appreciation for the able assistance rendered by Shri Jayant Bhushan, the learned Amicus Curiae.”

Learned counsel for the appellant has not been able to show any evidence led by them to prove that any of the claimants were dependent on deceased Prem Singh. That being so, I find that the Tribunal has correctly awarded an amount of ₹91,500/- to all the claimants jointly and severally.

I do not find any merit in the present appeal and hence, the same is dismissed.

December 05 , 2019
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(ALKA SARIN)
JUDGE

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