

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 2604 of 2017

Date of Decision: July 24 , 2019.

Shimla Rani and another

..... APPELLANT (s)

Versus

Dinesh Thakur and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Barjinder Singh, Advocate for
Mr. Ashish Gupta, Advocate
for the appellants.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed seeking enhancement of compensation awarded to the appellants by the learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as, the 'Tribunal') vide impugned award dated 07.01.2017. Appellants-claimants as well as the widow and minor children of the deceased- Shamsher Singh, preferred two different claim petitions seeking compensation on account of death of Shamsher Singh. Appellants filed the claim petition under Section 163A of the Motor Vehicles Act, 1988 (hereinafter referred to as the 'Act') and the other claim petition by the widow/minor children was filed under Section 166 of the Act.

Learned Tribunal while considering income of the deceased, aged 39 years, to be ₹12,000/- per month with reference to the Collector's Rate in District Kurukshetra, awarded a total compensation of ₹27,55,000/- to the claimants in both the petitions. The apportionment of the compensation by the learned Tribunal reads as under:-

“..... A sum of Rs.27,55,000/- is awarded to the petitioners of both the petitions. However, taking into consideration that the responsibility to maintain the parents i.e. petitioners no.1 & 2 of petition no. 56 of 2015 titled as Shimla Devi etc. vs. Dinesh Thakur etc. and the responsibility to maintain the petitioners Sona Devi and her minor childrens i.e. petitioners no. 2 & 3 of petition no. 12 of 2016 titled as Sona Devi etc. vs. Dinesh Thakur etc. was upon the deceased Shamsher Singh, the total amount of compensation i.e. Rs.27,55,000/- would be distributed in the manner that Rs.1.00 lac would be given to the petitioners Shimla Devi etc. on account of love and affection being the parents of the deceased Shamsher Singh. Similarly Rs.1.00 lac would be given to the petitioner Sona Devi on account of Consortium and Rs.1.00 lac would be given to the minor claimants no.2 & 3 namely Mohit and Chetna of petition no. 12 of 2016 on account of love and affection being the minor children of the deceased Shamsher Singh in equal proportionate. Rs.14.00 lacs would also be released to the minor claimants no.2 & 3 namely Mohit and Chetna of petition no. 12 of 2016 in equal proportionate. Further 50% of the remaining amount of compensation i.e. Rs.10,55,000/- would be released to the petitioner no.1 Sona Devi of petition no. 12 of 2016 and the remaining 50% of Rs.10,55,000/- would be released to the petitioners no.1 & 2 Shimla Devi and Dashrath Singh of petition no.56 of 2015 in equal proportionate being the parents of the deceased”

Sole argument raised by learned counsel for the appellants is that apportionment of the compensation awarded, is unjust. It is submitted that the appellants, who are the parents of the deceased, should have been afforded a higher proportion of the total compensation awarded by the learned Tribunal.

However, I do not find any merit in the argument raised by learned counsel for the appellants. Learned Tribunal has rightly apportioned the compensation amongst the appellants, who are the parents, and the other set of claimants i.e., the widow and two minor children of the deceased. Furthermore, there is nothing on record to show that appellant No.2 (father of the deceased) was completely dependant upon Shamsheer Singh. Learned counsel for the appellants is unable to point out any ground which calls for variation in the apportionment of the compensation as made by the learned Tribunal between the two sets of claimants.

No other argument has been raised.

In this view of the matter, I do not find any ground, whatsoever, to interfere in the impugned award dated 07.01.2017 passed by the learned Motor Accident Claims Tribunal, Karnal.

Consequently, this appeal is dismissed with no order as to cost.

July 24 , 2019.
'om'

(LISA GILL)
JUDGE

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