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

120 **FAO No.588 of 2021 (O&M)**
Decided on : 13.07.2021

Pepsu Raod Transport Corporation

... Appellant

Versus

Rama Rani and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. APS Sandhu, Advocate
for the appellant.

(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

Present appeal has been filed by the Insurance Company under Section 173 of Motor Vehicles Act, 1988 challenging the award dated 04.02.2021 passed by Motor Accident Claims Tribunal, Chandigarh, wherein a sum of Rs.14,08,236/- alongwith 6% interest per annum has been awarded to the claimants, who are widow, major son and the married daughter.

Counsel for the appellant has mainly argued that the son and daughter as such were not entitled for the amount and a 50% cut should have been applied, as only the wife is dependent.

A perusal of the paper-book would go on to show that accident took place on 29.10.2018 when the deceased Rameshwar Dass was on bicycle and a bus hit him from behind, which was driven by the driver of the appellant-Corporation. Resultantly, criminal proceedings in the form of FIR No.412 dated 29.10.2018 were also initiated against the driver, under Sections 279, 337, 304-A IPC at Police Station, Sector 31, Chandigarh. It is not disputed that the driver is facing trial before the Court of Judicial Magistrate 1st Class, Chandigarh and in such circumstances rash and negligent aspect has been rightly decided against the appellant under the issue No.1.

The deceased was 64 years old and was retired as Sub-Inspector from CTU and getting a monthly pension of Rs.22,469/- on the day of his death.

The additional claim of Rs.13,000/- as monthly earning on account of property dealing of the deceased was disbelieved by the Tribunal. The fact of amount of pension has been proved by bringing on record the pension payment order and the entitlement of family pension came to Rs.6,072/- per month.

Counsel for the appellant has been fair enough to submit that the amount awarded is not liable to be reduced, as the wife is entitled for family pension in her own right.

Keeping in view the fact that the deceased was 64 years old, he would be contributing majority of the income towards the family and therefore, the dependency which has been assessed as such to the extent of Rs.14,979/- is no way on a higher side. The Tribunal has not considered the issue of future prospects as such and the fact that pension of the deceased was liable to increase and, therefore, the amount awarded by the Tribunal on account of the death of the deceased, cannot be said to be excessive and the same has rightly been assessed.

In such circumstances, no case is made out to interfere in the well reasoned order passed by the Tribunal. The appeal stands dismissed in limine, accordingly.

(G.S. SANDHAWALIA)
JUDGE

July 13, 2021
Naveen

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No