

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

**FAO-4627-2007 (O&M)
Date of decision: 18.07.2022**

Oriental Insurance Co. Ltd.

... Appellant

Vs.

Meena and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashwani Talwar, Advocate
for the appellant.

ARVIND SINGH SANGWAN, J. (ORAL)

CM-22488-CII-2007

For the reasons stated in the application, same is allowed and delay
of 11 days in filing the appeal is condoned.

CM stands disposed of.

FAO-4627-2007

This appeal has been filed by the Insurance Company challenging
the award dated 24.07.2007 passed by the Motor Accident Claims Tribunal,
Faridabad, vide which claim petition filed by the respondents-claimants was
decided.

Brief facts of the case are that one Kartar Singh died in a motor

vehicle accident on 23.02.2006, which resulted due to rash and negligent driving of Jeep bearing registration No.HR-30A-2596 by respondent No.4. The claimants set up a case that deceased was earning Rs.12,000/- per month from all activities i.e. agricultural work and selling milk and claimed that just and fair compensation should be awarded. The Tribunal, while deciding issue No.1 regarding rash and negligent driving of offending vehicle, held that Kartar Singh died due to rash and negligent driving by respondent No.4. Under issue No.2, the Tribunal assessed the compensation as under: -

“Thus in view of the evidence discussed above, even if on the basis of solitary statement of his widow Meena PW1, the income of the deceased is assessed as at the rate of Rs.4500/- per month. The dependency comes at Rs.36,000/- per annum after spending 1/3rd of it on his personal expenses. The deceased was 29 years old while his widow Meena is 27 years. The suitable multiplier of 19 (eighteen) is adopted as the widow is young having two minor daughters besides old mother-in-law to look after. Thus the total dependency comes to Rs.6,48,000/-. The loss of consortium shall be Rs.5000/- and Rs.5000/- for last rites of the deceased. The total amount of compensation comes to Rs.6,58,000/- to which the petitioners are entitled.”

Learned counsel for the appellant has contested the appeal only on the quantum of compensation awarded by the Tribunal. He has fairly stated that entire amount of compensation along with interest has already been paid to the respondents-claimants.

After hearing learned counsel for the appellant, I find no merit in the present appeal.

The Tribunal recorded a finding that income of the deceased was Rs.4,500/- per month as per minimum wages available to a labourer and by applying the multiplier of 18, Rs.6.48 lacs were assessed.

In view of the above, finding no illegality in the assessment of just and fair compensation by the Tribunal, present appeal is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

18.07.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No