

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

FAO-2754-2016 (O&M)

Date of decision: 12.12.2022

SBI General Insurance Company Ltd.

...Appellant

Versus

Kamlesh and others

...Respondents

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

Present: Mr. Rajneesh Malhotra, Advocate for the appellant.

None for the respondents.

H.S. MADAAN, J. (Oral)

Briefly stated facts of the case are that on 10.08.2014, Sandeep Kumar, Ram Mehar along with Rajesh were going from bus stand Jind to village Mirchpur in car bearing No.HR-31C-2480 being driven by Rajesh at a moderate speed on left hand side of the road. At about 12.50 am, when the car had reached on old Hansi road near village Beer, in the meanwhile, a truck trailer bearing No.HR-58A-1438 being driven by respondent No.1 Bishan Singh Saini at a high speed in a rash and negligent manner came from opposite direction and by going on right side of the road, hit the car in question, resulting in the accident in which Ram Mehar, Rajesh and Sandeep Kumar suffered multiple injuries and the car was also damaged extensively. All the three injured were taken to General Hospital, Jind where Ram Mehar and Sandeep Kumar were

declared dead by the doctor, whereas, Rajesh was medically treated. Formal FIR No.661 dated 10.08.2014, for offences under Sections 279, 337 and 304-A IPC was registered against respondent No.1.

Ms. Kamlesh and Santosh, married sisters of deceased Sandeep Kumar had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against the driver, owner and insurance company of the truck trailer in question. That claim petition along with two connected claim petitions were disposed of by Motor Accidents Claims Tribunal, Jind, vide an award dt. 11.02.2016 and compensation of Rs.32,44,012/- was granted to the claimants payable by all the three respondents jointly and severally.

Respondent No.3-insurance company has brought an appeal, notice of which was given to respondents No.1 and 2 whereas service upon respondents No.3 and 4 was dispensed with. Nevertheless, there has not been any representation on behalf of respondents No.1 and 2.

I have heard learned counsel for the appellant besides going through the record.

The Motor Accidents Claims Tribunal, Jind on analysis of the evidence adduced before it, in the light of legal position has returned a specific find that the accident in which Sandeep Kumar and Ram Mehar had suffered injuries to which they had succumbed, was caused on account of rash and negligent driving of truck trailer in question by respondent No.1. Verdict on issue No.2 was given observing that claimants being LR's of deceased are entitled to get compensation from the respondents.

After hearing the counsel for the appellant and going through the record, I do not find anything wrong with such findings returned by the Tribunal. The law is now well settled that married sisters of the victim of a road side accident is also to be treated as legal representative, therefore, the Tribunal was justified in granting compensation to the claimants Kamlesh and Santosh. With regard to the quantum of compensation, the same has been calculated in terms of the settled yardstick considering the age of the deceased to be 20 years, his monthly pay as Rs.29389/- in terms of the last pay certificate Ex.P4 while working with Indian Army. 50% of his salary has been deducted towards personal and living expenses for the reason that he was a bachelor and his contribution towards his family has been taken to be remaining 50% of his earnings. Multiplier of 18 has rightly been used. The grant of compensation under the conventional heads is also not on high side. Therefore, no reason is there to reduce the compensation awarded by the Tribunal. Seeing from any angle, the award does not call for any modification or interference by way of allowing the present appeal. The appeal is found to be without merit and is dismissed accordingly.

12.12.2022

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(H.S. MADAAN)
JUDGE

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