

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

FAO-518-2010 (O&M)

Date of decision: 10.05.2023

Laxmi Devi and others

...Appellants

Versus

Ajad Singh and others

...Respondents

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

Present: Mr. B.K. Bagri, Advocate for the appellants.

Mr. Rajneesh Malhotra, Advocate for respondent No.3.

Mr. Karan Jindal, AAG, Haryana
for respondent No.4.

H.S. MADAAN, J.

Briefly stated facts of the case are that one Balwan Singh aged about 51 years working in a Government department of Animal Husbandry, posted at village Jui as VLDA getting Rs.18,500/- per month had died on 16.11.2007 on account of suffering injuries in a motor vehicular accident which took place on 08.11.2007 at about 12 noon in the area near village Pokerwas within the jurisdiction of Police Station Tosham, statedly on account of rash and negligent driving of Santro Car No.HR-18A-4392 (for short 'the offending car') by respondent No.1 Ajad Singh.

2. Legal representatives of deceased Balwan Singh namely his widow Smt. Laxmi Devi, aged about 45 years, major sons Jasbir Singh

and Manbir Singh, aged about 25 years and 23 years respectively had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against respondents i.e. Ajad Singh driver, Manoj Kumar owner and Cholamandlam MS General Insurance Company Ltd. Chandigarh insurer of the offending car.

3. After contest by the respondents, the claim petition was allowed by Motor Accidents Claims Tribunal, Bhiwani, vide award dated 10.08.2009 and compensation of Rs.5,95,500/- along with interest @ 7.5% p.a., from the date of filing of claim petition till actual realization was awarded to the claimants payable by all the three respondents jointly and severally.

4. Finding the compensation awarded to be on lower side, the petitioners/claimants have approached this Court by way of filing an appeal seeking enhancement of compensation, notice of which was given to the respondents, however, respondents No.3 and 4 have put in appearance through counsel.

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

6. In view of the evidence available before it, the tribunal has returned a finding that the accident in which Balwant Singh had suffered injuries to which he had succumbed later on, had been caused on account of rash and negligent driving of the offending car by respondent No.1, resultantly, petitioners/claimants who were legal representatives of the deceased were found entitled to get compensation from the driver, owner and insurance company of the offending car. While calculating the

compensation, the monthly income of the deceased was taken to be Rs.11845/-. It was observed that the claimant Laxmi Devi and her children are receiving salary from the department where her deceased husband was employed under the ex-gratia scheme of State Government, therefore, after assessing dependency of claimants upon the deceased as Rs.3950/- per month being 1/3rd of carry home salary of deceased, annual dependency was worked out to Rs.47,400/-.

7. Adopting multiplier of 10, the compensation was calculated as Rs.4,74,000/-. Total compensation was worked out to Rs.5,95,500/-.

8. As per information supplied by State counsel, a sum of Rs.23,70,857/- has been paid to the claimants till date, out of total amount of Rs.28,03,588/- assessed on account of death of Balwan Singh being in Government department. Thus the remainder comes out to Rs.4,32,731/- whereas the compensation of Rs.5,95,500/- has already been granted to the claimants which is more than this amount. There is absolutely no scope for enhancement of the compensation. The appeal is found to be without merit and is dismissed accordingly.

10.05.2023

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(H.S. MADAAN)
JUDGE

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