

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

FAO No. 1163 of 2016

DATE OF DECISION :- February 16, 2023

New India Assurance Company Limited

...Appellant

Versus

Kuldeep Kaur and others

...Respondents

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

Present:- Mr. Vinod Gupta, Advocate for the appellant.

Ms. Sumati Jund, Advocate for respondents No. 1 to 3.

Mr. Rajeev Kawatra, Advocate for respondents No. 4 and 5.

Briefly stated the facts of the case are that on account of death of Khushi Ram stated to be aged about 65 years, working as a contractor for providing Sweepers, in a motor vehicular accident which took place on 15.5.2014 at about 7.30 P.M in the area of Kharar Morinda Road, statedly on account of rash and negligent driving of Tata Manza Car bearing registration No. PB-09-1575 by respondent No. 1 Om Parkash Arora, legal representatives of deceased namely his widow Smt. Kuldeep Kaur, sons Bhag Singh and Dilbag Singh had brought a claim petition against Om Parkash Arora, owner, Varinder Kumar Narula, driver and New India Assurance Company Limited, Mohali, insurer of the offending Car in

question.

After contest, the said claim petition was allowed by Motor Accident Claims Tribunal, S.A.S. Nagar, Mohali (hereinafter referred to as the Tribunal) and vide Award dated 20.10.2015 compensation of Rs.9,90,000/- was awarded to the claimants payable by all the three respondents jointly and severally as per detail below :-

Date of accident	15.5.2014	
Age of the deceased :	65 years	
Claimants	1. Kuldeep Kaur, Widow 2. Bhag Singh, son 3. Dilbagh Singh, son	
	Head of claim	Tribunal
Sr. No.		Amount (Rs.)
1	Income (annual)	1,80,000/-
2	Deduction 1/3 rd	60,000/- =1,20,000/-
3	Multiplicant (annualized)	65 years
4	Multiplier	7
5	Loss of dependence	8,40,000/-
6	Loss of consortium	1,00,000/-
7	Loss of estate	25000/-
8	Funeral expenses	25000/-
9	Total	9,90,000/-

The compensation amount was allowed with interest at the rate of 6% per annum from the date of filing of claim petition till actual realization. The liability to pay the compensation was to be joint and several.

Feeling aggrieved by such Award respondent No. 3 Insurance Company has brought an appeal before this Court, notice of which was given to respondents, who have put in appearance through counsel.

I have heard learned counsel for the parties besides going

through the record.

I find that keeping in view the age, income and number of family members of the deceased the compensation awarded is just and fair and cannot be termed to be on higher side. Therefore, no ground is there to reduce the compensation.

The appeal is found without merit and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

February 16, 2023
p.singh

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