

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO 929/2020

Date of decision:18/01/2023

Hardeep Kaur and another

.....Appellant

Vs.

Raj Kumar and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Raj Kumar Rana, Advocate for the appellants.

Nidhi Gupta, J.

Present appeal has been filed by the claimants, being widow and son of deceased Balwinder Singh, seeking enhancement of compensation of Rs.17,42,000/- granted vide Award dated 22.2.2019 passed by the Motor Accident Claims Tribunal, Patiala (for short 'the Tribunal') in MACP No.311/2017 in a petition under Section 166 of the Motor Vehicles Act,1988.

On the basis of material placed before it, the learned Tribunal concluded that deceased Balwinder Singh aged about 51 years had died due to injuries suffered by him in a motor vehicular accident that took place on

7.12.2016 due to rash and negligent driving by Respondent no.1- driver and owner of Maruti Dzire VDI Car bearing registration NO. PB-11BG-1899.

Learned counsel for the appellants has assailed the Award only on the ground that no future prospects have been granted to the claimants and even the amounts of Rs.15,000/- each granted towards loss of estate and funeral expenses are on lower side.

No other argument has been advanced.

A perusal of the record of the case shows that at the time of death, deceased was drawing Pension, which is now being received by appellant no.1. As such, there is no occasion for the grant of future prospects. It is further seen that deceased also had income from agricultural work and dairy farm business. However, income from the land shown to be in the ownership of the deceased as well income from the milch cattle will still be with the appellants. Further, in my view, amounts of Rs.15,000/- each granted towards loss of estate and funeral expenses is sufficient. Accordingly, Award passed by the learned Tribunal granting compensation of Rs.17,42,000/- is considered just and fair in the facts and circumstances of the case.

For the reasons stated above, I find that no ground is made out to interfere in the impugned Award.

Dismissed.

18/01/2023
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No