

Neutral Citation No. 2024:PHHC:046758

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
128

FAO-315-1993 (O&M)
Date of Decision:04.04.2024

SMT. HARJIT KAUR AND ORS.

.... Appellants

Vs

MR. HARBANS SINGH AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Manish Kumar Gupta, Advocate for the appellants.

Mr. Vinod Chaudhari, Advocate for respondent No.3.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant appeal filed under the Motor Vehicles Act, 1988, legal heirs of deceased Parminder Singh have approached this Court, claiming enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short 'MACT'), Ludhiana, vide award dated 12.11.1992.

2. Factual background, in brief, may be noticed. As a result of the collision between an Oil Tanker and a Maruti Van, Parminder Singh, who was driving the Maruti Van, succumbed to his injuries. He was 42 years of age and left behind a widow, two minor children and an aged mother, who filed a petition before the MACT claiming Rs.5 Lakh as compensation, which has been accepted and they have been awarded an amount of Rs.2,11,200/- to be paid jointly and severally by the respondents along with interest @12% p.a. from the

date of filing of the petition till the date of deposit.

3. I have heard counsel for the parties and have considered their respective submissions.

4. On the basis of the evidence led by the parties, MACT has returned a finding that the accident took place on account of rash and negligent driving of the driver of Oil Tanker, Harbans Singh, respondent No.1. An FIR was registered against him and he was facing trial for offence punishable under Section 304-A of IPC.

5. In their evidence before MACT, claimants established that Parminder Singh, deceased was working as a Driver and drawing salary of Rs.2,000/- per month. Gurchet Singh, AW1, who had employed the deceased, produced a salary certificate Ex.A-1, which corroborated the version of the claimants. Photocopy of the driving licence of the deceased was also proved on record. Although, the claimants had led evidence that the deceased was earning Rs.1,000/- per month by cultivating land at the native village but it was not accepted by the MACT. After deducting Rs.900/- for the personal expenses of the deceased, the MACT determined the dependency at Rs.1100/- p.m., that is, Rs.13,200/ per year-. Applying the multiplier of 16, MACT determined the compensation at Rs.2,11,200/-.

6. In ***Kirti and another Versus Oriental Insurance Company Limited***, (2021) 2 SCC 166, Supreme Court has held that compensation awarded by the Court ought to be just reasonable and must be guided by the principle of fairness, equity and good conscience. As the family of the deceased consisted of four

dependents, Supreme Court was of the view that the appropriate deduction for personal expenses ought to be 1/4th and not 1/3rd as applied by the Tribunal and the High Court.

7. Following the dictum of the Supreme Court, this Court is of the view that personal expenses of the deceased cannot be more than 1/4th of his monthly income. Therefore, a cut of Rs.500/- has to be applied on his monthly income and Rs.1500/- per month has to be taken as the dependency. MACT has not awarded anything for funeral expenses, although appellant No.1 in her ocular evidence has testified that Rs.20,000/- was spent on the last rites of the deceased. As the fatal accident took place in the year 1991, this Court is of the view that an amount of Rs.10,000/-, would be just and reasonable and deserves to be awarded on this account, even though it has not been specifically claimed.

8. Without interfering in the multiplier of 16 and the rate of interest awarded by the MACT, this Court is of the view that the compensation be enhanced as indicated in preceding paragraph.

9. Appeal is disposed of.

04.04.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No