



FAO-4629-2007 (O&M)

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

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FAO-4629-2007 (O&M)

Date of Decision: November 21, 2024

Saraj

.....Appellant

Vs.

Mohammad Ali and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Gagandeep Singh, Advocate for
Mr. Sandeep Bansal, Advocate
for the appellant.

Mr. R.K. Bashamboo, Advocate and
Mr. Shubham Gupta, Advocate
for respondent No. 3-Insurance Co.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 01.06.2007, passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Hoshiarpur (for short, 'the Tribunal'), seeking enhancement of compensation, as the claimant was awarded compensation to the tune of Rs.50,000/- under the head 'No fault liability' on account of death of his brother namely Sadak in a motor vehicular accident, which occurred on 15.10.2004.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced. Therefore, the present appeal be allowed and the enhanced compensation be awarded to the appellant as per latest law.

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4. Per contra, learned counsel for the respondent No. 3, however, vehemently argues that the award has rightly been passed and the amount of compensation, as assessed by the learned Tribunal has rightly been granted. Therefore, he prays for dismissal of the appeal.

5. I have heard learned counsel for the parties and perused the whole record of this case.

6. A bare perusal of the record indicates that Sadak (since deceased) was a beggar and was having no source of income. Further the claimant/appellant did not perform the last rites of his brother-Sadak (since deceased) and the last rites were performed by the police. The claimant/appellant was not dependent upon his brother. Therefore, the compensation has been rightly awarded by the Tribunal to the claimant to the tune of Rs.50,000/- under the head 'No fault liability'.

7. In view of the above, there is no infirmity in the impugned award dated 01.06.2007 and the same is upheld. Accordingly, the present appeal is dismissed being devoid of any merit.

8. Pending applications, if any, also stand disposed of.

November 21, 2024*Gaurav Arora***(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/non-speaking : Speaking
Whether reportable : Yes