

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****211****FAO-4712-2013 (O&M)****Date of decision: 19.05.2025****Raj Kumari and another****...Appellant(s)****Vs.****Manpreet Kaur and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

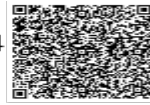
Present:- Mr. Arnav Sood, Advocate for the appellants.

Mr. S.K.Kanojia, Advocate for
Mr. Gurmeet Singh, Advocate
for respondents No.1 to 3.Mr. Neeraj Khanna, Advocate for
respondents No. 5 and 6.

NIDHI GUPTA, J.

The appellants herein are the parents of the deceased Jatinder Singh. Claim Petition No.9 dated 15.06.2010 was filed by the claimants/respondents No.1 to 3 herein, under Section 166 of the Motor Vehicles Act, 1988 before the learned Motor Accident Claims Tribunal, Hoshiarpur (for short 'the Tribunal'). In the said claim petition, the appellants were impleaded as respondents No. 7 and 6 respectively.

2. Learned Tribunal on the basis of the pleadings and evidence adduced before it had concluded that the 29-year-old deceased Jatinder Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 16.08.2009 at about 09:30 p.m. due to the rash and negligent driving of a Bus bearing registration No. HP-68-0297 (for short



'the offending vehicle') being driven by respondent No.4; and owned by respondent No.5. Vide Award dated 14.05.2013, the said claim petition of respondents No.1 to 3 was allowed; and the claimants were awarded compensation of Rs.20,50,000/-. However, vide the impugned Award, no compensation was awarded to the appellants on the ground that *"therefore, the claimants No.1 to 3 are entitled for compensation whereas respondents No. 6 and 7 are not entitled for compensation because their relations with the claimant Manpreet Kaur are strained and this fact has been proved by AW-4 Satwant Singh."*

3. The above said compensation was awarded along with interest @ 6% per annum from the date of institution of the petition till realization of the amount. As the offending vehicle was not insured with any insurance company, respondents No. 4, 5 and 6 were held to be jointly and severally liable to pay the compensation in equal shares to the claimants i.e. wife, daughter and son of the deceased.

4. It is *inter alia* submitted by learned counsel for the appellants/parents of the deceased, that the above said reasoning of learned Tribunal constitutes no ground for denial of compensation to the appellants. Admittedly, appellants are the parents of the deceased. Being parents of the deceased, the appellants are entitled to compensation. It is accordingly prayed that the present appeal be allowed; and the compensation be awarded to the appellants.

5. The above submissions of learned counsel for the appellants are vehemently opposed by learned counsel for the claimants/respondents



No. 1 to 3 herein who submits that it has been categorically deposed by claimant No.1/widow of the deceased that upon the death of Jatinder Singh, claimant No.1 along with her minor children had been thrown out of the matrimonial home by the appellants; and after she was thrown out of matrimonial home, claimants were living at village Gignowal with the father of claimant No.1. The said testimony of the claimant No.1 was corroborated by the evidence of AW-4 Satwant Singh, who had proved the strained relation of claimant No.1 with the appellants.

6. It is further submitted by learned counsel for the claimants that the appellants are not entitled to compensation even on the ground that they were unable to prove their financial dependency upon the deceased. It is accordingly submitted that the impugned Award suffers from no error and present appeal deserves to be dismissed.

7. No other argument is raised on behalf of the parties.

8. I have heard learned counsel for the parties and perused the case file in great detail.

9. It is admitted by learned counsel for the appellants that at the time of accident, appellant No.2/father of the deceased was about 50 years. It is also not denied by learned counsel for the appellants that the appellant No.2 was of robust physique and good health and was gainfully occupied.

10. In view of the above admitted facts, it is clear that dependency of appellant No.2 upon the deceased is not made out. Similarly, appellant No.1/mother of the deceased would first be dependent upon her husband viz appellant No.2. Thus, appellants cannot be held to be dependent upon



the deceased. On the other hand, the claimants being widow; 3 ½ years old minor daughter; and 1 ½ years old son of the deceased were wholly and solely dependent upon the income of the deceased.

11. However, keeping in mind the admitted relationship of the appellants with the deceased, it is directed that the appellants be granted consortium of Rs.48,000/- each. Learned counsel for respondents No.1 to 3 submits on instructions that Claimants have no objection if compensation of Rs.48,000/- each is granted to the two appellants as consortium. It is admitted that the entire amount of compensation has been released to the claimants.

12. Accordingly, the present appeal is hereby **partly allowed** in above terms. Claimant no.1 is directed to transfer to the appellants a sum of ₹48,000/- each within four weeks from today.

13. Pending application(s) if any also stand(s) disposed of.

19.05.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No