

Fao No.4082 of 2001 Vs. Fao No.4082 of 2001

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Court : Punjab and Haryana

Decided On : Feb-03-2014

Appellant : Fao No.4082 of 2001

Respondent : Fao No.4082 of 2001

Judgement :

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH FAO No.4082 of 2001 Date of Decision: February 03, 2014 Smt.

Salochna Devi and othersAppellants versus Jangir Lal alias Joginder Lal and anotherRespondents CORAM: HON'BLE Mr.JUSTICE KULDIP SINGH Present: Mr.K.K.Goel, Advocate for the appellants.

Mr.Neeraj Khanna, Advocate for respondent No.2-Insurance Company.

Kuldip Singh.

J (Oral) On 19.07.1998, deceased Satpal along with one Budh Ram while riding motor-cycle No.PB-31A-5408, were hit by a scooter No.HR-22B-0306, being driven by respondent No.1.

As a result of which, deceased Satpal and Budh Ram fell down and received injuries.

Satpal was ultimately shifted to Delhi, where he succumbed to injuries on 28.07.1998.

The dependents of Satpal were awarded a sum of ` 4,88,400/- along with 9% per annum interest.

Claimants are not satisfied with the Award and seek enhancement.

I have heard learned counsel for the parties and have also gone through the case file.

Learned counsel for the claimants has disputed the income of the deceased @ ` 2,000/- per month, as calculated by Motor Accident Claims Tribunal, Hissar Camp at Fatehabad.

A perusal of the file shows that the Tribunal took the view that the claimant owned a small piece of land.

It was not claimed that he was running any firm Hindustan Mot ORS. Therefore, his income was Rani Sarita 2014.02.06 16:26 I attest to the accuracy and integrity of this document Chandigarh FAO No.4082 of 2001 -2- calculated @ ` 2,000/- per month.

I don't find any illegality in the same.

The income is not be assessed on the basis of mere assertion or without any claim in the claim petition.

In this case, multiplier of 17 was applied when the age of the deceased was 32 years which is more than what has been prescribed in Sarla Verma versus Delhi Transport Corporation, 2009(3) RCR (Civil) 77.

The dependency of the claimants was taken to be ` 1,600/- per month.

There is no dispute regarding the same.

The Tribunal awarded a sum of ` 2,000/- for funeral and last rites and ` 5,000/- for loss of consortium.

I am of the view that the compensation awarded on account of funeral last rites and consortium is inadequate.

Therefore, the expenditure for funeral are enhanced from ` 2,000/- to ` 25,000/- and for loss of consortium the compensation is enhanced from ` 5,000/- to ` 1,00,000/-.

The amount of loss of consortium and funeral shall be payable to the widow of the deceased.

It is further directed that the amount be paid to the claimants by depositing the same in their bank accounts to be furnished before the Tribunal.

Learned counsel for the appellants also seeks compensation for the future prospects.

However, perusal of the grounds of the appeal shows that no amount for the same was claimed.

Therefore, the same cannot be allowed.

Appeal is accordingly partly allowed.

(KULDIP SINGH) February 03, 2014 JUDGE sarita Rani Sarita 2014.02.06 16:26 I attest to the accuracy and integrity of this document Chandigarh

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