
(2012) 12 P&H CK 0157

High Court Of Punjab And Haryana At Chandigarh

Case No: FAO No. 1011 of 2011

Harbans Kaur and Another

APPELLANT

Vs

Lochan Singh and Others

RESPONDENT

Date of Decision: Dec. 12, 2012

Acts Referred:

- Penal Code, 1860 (IPC) - Section 279, 304A, 337

Hon'ble Judges: Rajan Gupta, J

Bench: Single Bench

Advocate: R.S. Mamli, for the Appellant; Rahul, Advocate for Mr. V.K. Thakur, Advocate for Respondents No. 2 and 3 and Mr. Raja B.S. Jain, Advocate, for the Respondent

Final Decision: Dismissed

Judgement

Rajan Gupta, J.

Feeling dis-satisfied by the quantum of compensation granted by the tribunal, claimants have preferred the present appeal. Learned counsel for the appellant submits that while computing compensation, income has been assessed on the lower side. In the facts and circumstances of the case, multiplier has not been correctly applied.

2. Plea has been opposed by learned counsel representing the respondents. According to them, adequate compensation has been granted by the tribunal. Thus, award passed by the tribunal needs to be upheld.

3. I have heard learned counsel for the parties. It appears that an accident occurred on 20.12.2008. Deceased Sukhwinder Singh was a pillion rider on a motorcycle being driven by one Gurmeet Singh. When they reached near village Mankiya on NH No. 73, the offending vehicle (a TDV truck) came from back side and struck against the motorcycle. Due to impact, Sukhwinder Singh fell down and received multiple and serious injuries. He was shifted to General hospital, Panchkula where doctors declared him dead. An FIR was lodged under sections 279, 337 & 304-A IPC at police

station Chandimandir. A claim was preferred by parents of the deceased. After examining the evidence, tribunal came to the conclusion that accident had occurred due to rash and negligent driving by driver of the offending vehicle. While assessing compensation, tribunal assessed income of the deceased as Rs. 10,000/- p.m. After deducting half of the amount as expenses for personal use, it assessed dependency as Rs. 60,000/-. As the deceased was a bachelor, age of his mother was taken and applicable multiplier was found to be 14. By applying the said multiplier, it arrived at a figure of Rs. 8,40,000/- (Rs. 60,000x14). Another sum of Rs. 9,000 was granted under usual heads. In this manner, total compensation was worked out as Rs. 8,49,000/-. Out of total compensation, Rs. 8,40,000/- was granted to appellant no. 1 as compensation. Rest Rs. 9,000/- was apportioned in equal shares amongst the claimants. I find no infirmity with the award passed by the tribunal. Considering the age of mother of the deceased, tribunal has correctly applied the multiplier in view the ratio of judgment in [Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another,](#) . As regards income of the deceased, same has been rightly assessed on the basis of evidence led in this regard. In my considered view findings arrived at by the tribunal are well reasoned. No interference is required in appellate jurisdiction of this court. Appeal is without any merit and is hereby dismissed.