

Balbir and Others Vs Parmod Singh and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 27, 2012

Acts Referred: Limitation Act, 1963 " Section 5

Hon'ble Judges: Rajan Gupta, J

Bench: Single Bench

Advocate: Vijay Pal, for the Appellant; Ravinder Arora, Advocate, for the Respondent

Final Decision: Dismissed

Judgement

Rajan Gupta, J.

This appeal emanates from the award dated 7.1.2010 of the tribunal at Hisar whereby appellants were granted a

compensation of Rs. 2,25,000/- on account of death of one Bintu in the accident which occurred on 1.10.2008. Learned counsel for the

appellants submits that deceased was 18 1/2 years of age at the time of his death. Tribunal has not granted adequate compensation to the claimants.

2. Learned counsel appearing for the insurance company submits that adequate compensation has been granted by the tribunal after taking into

account facts and circumstances of the case.

3. I have heard learned counsel for the parties and given careful thought to the facts of the case.

4. It appears that accident took place on 1.10.2008 in which Bintu son of claimants No. 1 and 2 and brother of claimants No. 3 and 4 died. The

appellants preferred a claim petition before the tribunal at Hisar. The tribunal came to the conclusion that the driver of the offending vehicle was

responsible for the accident as it was being driven rashly and negligently. The tribunal in view of judgment reported as Nirmal Maria Vs. Ram

Singh and Others, assessed notional income of the deceased as Rs. 15,000/- per annum. Multiplier of 15 was applied and compensation of Rs.

2,25,000/- was granted to the claimants. In my considered view, the award of the tribunal does not call for any interference as compensation has

been granted after taking all the factors into consideration. The dependency has been correctly assessed and multiplier of 15 has also been

correctly applied. There is no merit in the instant appeal. Same is hereby dismissed. Since appeal is dismissed on merit, application u/s 5 of the

Limitation Act does not survive.