
(2001) 03 P&H CK 0183

High Court Of Punjab And Haryana At Chandigarh

Case No: First Appeal from Order No. 789 of 1985

Kuldip Singh

APPELLANT

Vs

Santokh Singh

RESPONDENT

Date of Decision: March 28, 2001

Acts Referred:

- Motor Vehicles Act, 1988 - Section 110

Citation: (2001) 4 RCR(Civil) 634

Hon'ble Judges: Mehtab S. Gill, J

Bench: Single Bench

Advocate: Ajay Pal Singh, for the Appellant; Raman Mahajan, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Mehtab S. Gill, J.

Under challenge in this appeal is the award of Motor Accident Claims Tribunal, Kapurthala whereby she has awarded a paltry sum of Rs. 9,600/- for the death of Baldev Kaur, deceased in the accident in question. .

2. The appellants did not feel satisfied with the award and have preferred this appeal against the same for seeking enhancement of the compensation awarded to them.

3. The brief facts leading to the accident in question are epitomised as under :-

On the fateful day i.e. 7.4.1984, the deceased was a pillion rider on the scooter bearing registration No. PJU-1443 being driven by Harinder Singh It is alleged that when the deceased went ahead of Chaheru Bus Stop, bus bearing, registration No. PBP-3666, being driven by Santokh Singh respondent, rashly and negligently and at a fast speed came from the opposite direction and struck against the scooter of the deceased as a result of which she received serious multiple injuries and, later on,

succumbed to the same.

4. In the written statements, the respondents alleged that it was due to the negligence of Harinder Singh who was driving the scooter that the accident took place.

5. Four issues were framed from the pleadings of the parties and the parties led evidence on the same. The learned Tribunal after scrutinizing the evidence and hearing arguments of counsel for the parties gave the impugned award.

6. I have heard arguments of counsel for the parties and perused the paper book carefully.

7. The counsel for the respondents could not successfully assail the findings of the learned Tribunal on issue No. 1 to the effect that the accident in question had occurred due to rash and negligent driving of Santokh Singh respondent. Therefore, the same are affirmed.

8. Baldev Kaur, deceased, at the time of her death was a young lady of 35 years only. She had left behind her husband and two minor sons. Appellant Nos. 2 and 3 must be having high expectations from their mother. Had she not died in the accident in question, she would have been a source of solace and comfort and would have helped them in their education and upkeep. By the death of Baldev Kaur appellant No. 1 who is her husband must have also felt pain and sufferings of a husband when he loses his wife. There was no female member to look after him and his minor children. Due to sad demise of Baldev Kaur in the accident in question, the appellants must have suffered a lot of mental as well as physical pain and agony. Some servant must have also been employed for doing household chores. There are no positive parameters to ascertain the loss caused to the dependents of the deceased and only reasonable approximation is to be made.

9. Keeping in view the totality of facts and circumstances of instant case, I enhance the compensation awarded to the appellants from Rs. 9,600/- to Rs 69,600/- (Rs. Sixty nine thousands and six hundred only) which shall be payable by the respondents jointly and severally. The enhanced amount of compensation will also carry interest at the rate of 12% per annum from the date of filing appeal till realization.

This appeal is disposed of in the above terms.

10. Appeal allowed.