

(1983) 10 P&H CK 0008
In the Punjab And Haryana At Chandigarh

Pepsu Road Transport Corporation

APPELLANT

Vs

Gajjan Singh and Others

RESPONDENT

Date of Decision : 17-10-1983

Acts Referred:

Citation : (1983) 1 ACC 236

Hon'ble Judges : S.S. Sodhi, J

Bench : Single Bench

Judgement

S.S. Sodhi, J.—On November 15, 1973 Gurtej Singh while coming on his cycle along with Dharam Singh and Gurcharan Singh was run-over by the Pepsu Road Transport Corporation bus PNT-9063 near Rajindra College Bhatinda. He died the next day in hospital on account of the injuries sustained by him in this accident.

2. It was the finding of the Tribunal, which is not challenged in appeal that this accident was caused on account of the rash and negligent driving of the bus driver. The claimants, who are the widow and the two sons and a daughter of the deceased were awarded a sum of Rs. 78,625/- as compensation. Included in this amount was a sum of Rs. 18,500/- which was awarded to the two sons and daughter of the deceased as marriage expenses which it was said that the deceased would have spent upon them had he been alive Besides this a sum of Rs. 4625/- was awarded to the widow of the deceased for loss of consortium. It is this part of the award which is impugned in this appeal.

3. A reference to the award of the Tribunal would show that the loss suffered by the claimants was computed to be Rs. 3,000/- per annum and it was on this basis that a sum of Rs. 55,500/- was awarded as the loss suffered by the claimants on account of the death of the deceased. There is no mention in the award as to the source from which the marriage expenses would have been incurred by the deceased, so as to constitute this as a separate head for award of compensation. Obviously, the compensation payable to the claimants could only be worked out on the basis of the income of the deceased. It was on this basis that the figure of Rs. 55,500/- had been arrived at. The award of Rs.

18500/- as marriage expenses was, thus without any basis and cannot, therefore, be sustained. It is also now well settled that no amount can be awarded as compensation for loss of consortium. In the result, the amount awarded as compensation to the claimants is reduced to Rs. 55,500/- which is the total amount that the claimants would be entitled to. The claimants would, however, also be entitled to interest thereon at the rate of 12 per cent per annum from the date of the application to the date of the payment of the amount awarded.

4. Mr. M.S. Khaira, counsel for the Pepsu Road Transport Corporation vehemently opposed the grant of interest to the claimants on the ground that no appeal or cross-objections had been filed by them. This is no ground to deny this relief to the claimants when the amount awarded to them has been reduced and payment of interest in such cases is the normal and now well settled rule.

5. In a separate appeal filed by the State of Punjab its liability to pay the amount awarded was questioned. There can be no manner of doubt that no liability can be fastened on the State of Punjab for payment of any compensation in this case. Admittedly the bus involved in the accident was owned by the Pepsu Road Transport Corporation and the driver thereof was also the employee of the said Corporation. The State of Punjab was consequently in no manner concerned with this accident or with the claim. The appeal of the State of Punjab is hereby accepted as also that of the Pepsu Road Transport Corporation to the extent indicated above. There will, however, be no order as to costs.