
(1999) 03 P&H CK 0105

In the Punjab And Haryana At Chandigarh

Case No : First Appeal from the Order No. 719 of 1998

Sukhpal Kaur

APPELLANT

Vs

Hardarshan Singh and Others

RESPONDENT

Date of Decision : 05-03-1999

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (1999) 2 ACC 636 : (2000) ACJ 1057 : (1999) 123 PLR 137

Hon'ble Judges : G.C. Garg, J

Bench : Single Bench

Advocate : Ajay Pal Singh, for the Appellant; S.S. Joshi and Salil Sagar, for the Respondent

Final Decision : Dismissed

Judgement

G.C. Garg, J.—This order will dispose of F.A.Os 719 and 156 of 1998 as these appeals are directed against a common award of the Claims Tribunal.

2. Gurtej Singh died in a road accident which took place on 8.9.1996. In a claim petition filed by his father, mother and widow, seeking compensation for his death, Claims Tribunal came to the conclusion that Gurtej Singh died in the accident caused by rash and negligent driving of Bus No. PJG-7397 owned by the Pepsu Road Transport Corporation, Sangrur by its driver Hardarshan Singh, Claim Tribunal on appreciation of evidence came to the conclusion that the deceased at the time of the accident was aged 24 years and he was a skilled labourer, and earning a sum of Rs. 2,000/- per month. Claims Tribunal after deducting a sum of Rs. 500/- on account of his personal expenses, assessed the dependency of the claimants on the deceased at Rs. 1,500/- per month and choosing a multiplier of 16, awarded a compensation of Rs. 2,88,000/- with interest by its award dated 7.10.1997.

3. Dissatisfied with the quantum of compensation, Sukhpal Kaur widow of the deceased filed F.A.O. 719 of 1998 seeking enhancement of compensation

whereas F.A.O. 156 of 1998 has been filed by the owner of the offending Bus, the Pepsu Road Transport Corporation, Sangrur etc. challenging the award granting compensation in favour of the claimants.

4. Learned counsel for the appellant in F.A.O. 719 of 1998 submitted that in the facts and circumstances of the case, the Claims Tribunal ought to have chosen a higher multiplier and thus worked out the compensation accordingly whereas learned counsel for the appellants in F.A.O. 156 of 1998 challenged the finding of the Claims Tribunal regarding Gurtej Singh having died due to rash and negligent driving of the Bus in question by its driver. Learned counsel submitted that it was a rainy day and the deceased had already fallen from the scooter and struck his head against a hard surface of the road due to applying sudden brakes and the Bus in question reached at the site after the deceased had fallen from his scooter and sustained injuries. It was also submitted that it was not established on record that the deceased was a skilled labourer and earning any money at the time of the accident. Submission of the learned counsel, in other words, is that in the above circumstances, the claimants are not entitled to any compensation, and in any case, the compensation awarded is on the higher side and deserves to be reduced.

5. After hearing learned counsel for the parties and perusing the award. I am of the opinion that the finding of the Claims Tribunal that the accident in which Gurtej Singh died, took place due to rash and negligent driving of the Bus in question by its driver Hardarshan Singh, is based on correct appreciation of evidence. Learned counsel appearing on behalf of the Pepsu Road Transport Corporation by reference to any evidence on record, could not show that the above finding of the Claims Tribunal is not sustainable. It stood amply proved on record that the offending Bus was being driven rashly and negligently by its driver, Hardarshan Singh and the Bus struck against Gurtej Singh when he was proceeding to fetch his Scooter parked beyond the metalled road. I, therefore, see no reason to interfere with this findings. Contention of the counsel in that behalf thus has no merit.

6. On an examination of the award, I further find that Ram Kishan father of the deceased while appearing as AW-1 categorically stated that the deceased was aged 24 years and he was working as mason and earning a sum of Rs. 150/- per day on the day of the accident. To the same effect was the statement of another witness Bara Singh AW-2. The statements of these witnesses could not be controverted by the respondents, owner of the Bus in question by leading any evidence and as a matter of fact, the evidence led by the claimants on this point has gone un rebutted. Claims Tribunal has categorically stated in the award that the respondents have not led any evidence to challenge the income of the deceased in any manner, and observed further that in these circumstances, it could unhesitatingly be held that the deceased was a skilled labourer and he must be earning at least a sum of Rs. 2,000/- per month. On a consideration of the matter, I am of the view that the deceased at the time of the accident was a

skilled labourer and thus he could not be expected to have been earning less than Rs. 2,000/- per month. In view of the number of dependents left behind by the deceased, the Claim Tribunal rightly came to the conclusion that the deceased must have been spending a sum of Rs. 500/- on himself and the claimants were dependent on him to the extent of Rs. 1,500/- per month. Claims Tribunal having regard to the age of the deceased at the time of the accident, which was established on record as 24 years, and further observing that there was no evidence that longevity in the family of the deceased is short and thus the deceased had long life to live", chose a multiplier of 16. The multiplier chosen by the Claims Tribunal in my opinion is just and I see no scope for interference in that behalf as well.

7. In view of what has been stated above, the appeals fail and are dismissed accordingly. No costs.