

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

MACA No.443/2010

Date of Decision: September 22, 2010

BALA DEVI & ANR Appellants
through Mr. Mukesh Kumar, Advocate

versus

JOGINDER SINGH & ORS Respondents
through Ms. Neerja Sachdeva, Advocate for
respondent No.4.

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether the judgment should be reported in the 'Digest'?

REKHA SHARMA, J. (ORAL)

This appeal has been preferred by the appellants against the award of the Motor Accident Claims Tribunal dated March 27, 2010 for enhancement of compensation, on the ground that the deceased was earning a sum of ₹ 9,000/- per month but the Claims Tribunal wrongly ignored the evidence to that effect and took minimum wages as the basis of his income.

The learned counsel for the appellants has relied upon the testimony of PW-7 Bishan Chand who had stated on affidavit that he had employed Narinder Kumar as a driver to drive his TSR and that he

MACA No.443/2010

Page 1 of 2

Signature Not Verified

Signing Date: 12.08.2024 17:00:54
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

3

used to pay him ₹ 6,000/- per month as salary besides overtime of ₹ 3,000/-. Learned counsel for the Insurance Company, on the other hand, has relied upon the cross-examination of this witness whereby he had stated that his own income was ₹ 5,000 to ₹ 6,000/- per month.

The Claims Tribunal has disbelieved the testimony of PW-7 for the reason that if his own income was ₹ 5,000-6,000/- per month, how could he have been paying ₹ 9,000/- per month to the deceased? In view of this contradiction in the testimony of PW-7, the Claims Tribunal ignored the same and in the absence of any other evidence on record with regard to the income of the deceased, took minimum wages as the basis of his income. I find no infirmity in the order of the Claims Tribunal.

The appeal has no merit. The same is dismissed.


REKHA SHARMA, J.

SEPTEMBER 22, 2010
ka