

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2936 of 2012 (O&M)

Date of Decision: January 29, 2015

Smt. B. Sita and others

...Appellant(s)

Versus

Satnam Singh and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. Mukesh Kumar Bhatnagar, Advocate
for the appellants.

Respondent No.1 already ex parte.

ANITA CHAUDHRY, J.

CM No.12962-CII-2012

1. For the reasons set out in the application, which is supported by an affidavit, same is allowed and delay of 282 days in filing the present appeal is condoned.

FAO No.2936 of 2012

2. This appeal is by the claimants seeking enhancement of the compensation allowed to them vide award dated 21.03.2011, passed by the Motor Accident Claims Tribunal, S.A.S. Nagar, Mohali (here-in-after referred to as the Tribunal).

3. The submission made on behalf of the appellants was that income-tax returns have been ignored by the Tribunal and the income of the deceased was taken at Rs.6,000/- per month and the

compensation be enhanced taking the income of the deceased to be at least Rs.40,000/- per month. It was further submitted that the Tribunal had failed to award any compensation for transportation though the injured remained in the hospital for about 29 days before he succumbed to the injuries. It was urged that some amount should be paid for the attendant, pain & suffering, loss of estate and for loss of love and affection for the children.

4. A perusal of the award shows that the Tribunal had given valid reasons for rejecting the income-tax returns. Only the photocopies were produced that too for the years 2004-2005 and 2005-2006 whereas the accident had taken place in September, 2008. No income-tax return for the year 2006 onwards had been placed on file. The Tribunal had to consider the income of the deceased which he was earning at the time of accident. There was no material to show that he was a Project Consultant. Nothing was brought on record to prove his professional qualifications. The income was rightly taken at Rs.6,000/- per month and no change in the compensation should be made. However, the appellants are entitled to compensation on the following heads:-

Transportation Charges	-	Rs.7,500/-
Pain & Suffering	-	Rs.25,000/-
Attendant Charges	-	Rs.10,000/-
Loss of Estate	-	Rs.25,000/-
Loss and love & affection	-	Rs.25,000/-
Total	=	Rs.92,500/-

5. The appellants are entitled to the additional sum of Rs.92,500/-, which would be paid by the respondents within two months, failing which the appellants would be entitled to interest @ 6% from the date of filing of the appeal till realization.

With the aforesaid modification in the impugned award, the appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

January 29, 2015
sunil