

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No.6228 of 2012 (O&M)
Date of decision: 27th January, 2015

Narinder Kaur and others

... Appellants

Versus

Harpreet Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Rajiv Sidhu, Advocate
for the appellants.

Mr. Sandeep Lather, Advocate
for respondents No.1 to 3.

Mr. D.K. Dogra, Advocate
for respondent No.4.

FATEH DEEP SINGH, J.

Appellants are the claimants who feeling aggrieved over the Award dated 26.07.2012 of the learned Motor Accident Claims Tribunal, Kurukshetra have sought enhancement of the same. The learned Tribunal in its findings awarded a sum of ₹11,81,500 as compensation for the death of Jagir Singh who was aged around 49 years at the time of his death.

After hearing Mr. Rajiv Sidhu, Advocate for the claimant/appellants, Mr. Sandeep Lather, Advocate for respondents

No.1 to 3 and Mr. D.K. Dogra, Advocate for respondent No.4 and on perusal of the records.

The sole point that is sought to be agitated by the appellant side that deceased was an agriculturist; however, to the very query of the Court and in the light of arguments of respondent side, learned counsel for the appellant/claimants could not convince what sort of documentary evidence has come in this regard. It is a matter of common knowledge that people with an eye on the hefty compensation tend to exaggerate the earnings of the deceased. In the absence of any worthwhile evidence to show the avocation of the deceased. In the light of settled position of law, earnings of the deceased Jagir Singh needs to be taken to be that of a daily wager. Learned Tribunal, as has been pointed out, has considered earnings of the deceased to be ₹11,000 per month, however, the same has not been assailed of by the respondent side and in view of the totality of evidence led on the record it appears to be on the higher side and the learned Tribunal keeping in view age of the deceased to be 49 years has applied multiplier of 13 and the learned counsel for the appellants could not convince this Court how the same was unjust and needs to be enhanced. Rather the entire compensation so awarded appears to be on the higher side and nothing can be found fault with that it was on the lower side. Rather none from the side of respondents have sought to challenge this Award and therefore, findings of the learned Tribunal qua the appellants cannot be reduced on the grounds to be unjust or inequitable and therefore needs to be left as undisturbed.

Thus, the appeal being without any merit stands dismissed.

**(FATEH DEEP SINGH)
JUDGE**

January 27, 2015
rps