

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

FAO No.1843 of 2014

Date of decision: 2nd February, 2015

Meena Devi and others

... Appellants

Versus

Devender 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. Ankur Malik, Advocate for
Mr. Hitesh Verma, Advocate
for the appellants.

FATEH DEEP SINGH, J.

Through instant challenge, appellant/claimants have challenged Award dated 14.08.2013 passed by learned Motor Accident Claims Tribunal, Sonipat, by virtue of which they have been awarded ₹5,70,800 as compensation, on the grounds being meager and have sought enhancement of the same.

After hearing Mr. Ankur Malik, Advocate appearing on behalf of Mr. Hitesh Verma, Advocate for the appellants. It is well elicited in the impugned findings that the deceased was married, aged around 26 years and the averments of the claimants that he was having a business of property dealing could not be documentarily established and thus, learned Tribunal has construed him to be a daily

wager and has taken his earnings to be ₹3,600 per month and after making 1/4 deduction as expenses on his own upkeep and maintenance has considered the annual dependency to be ₹32,400 and therefore relying upon the ratio laid down in '**Sarla Verma & others v. Delhi Transport Corporation & another**' reported in **2009(6) SCC 121**, has applied multiplier of 17 and awarded a sum of ₹5,50,800.

Though much emphasis has been laid by Mr. Ankur Malik learned counsel for the appellants that the learned Tribunal has given meager amount on account of funeral expenses, transport charges and loss of estate, however, having regard to the fact that the earnings of the deceased have been considered to be of a labourer in the absence of any evidence otherwise though having regard to the fact that assessment of compensation under various heads is not logically undertaken however, the total compensation awarded for an accident that took place on 16.10.2010 has been rightly pegged to the tune of ₹5,70,800 and the same appears to this Court to be just and reasonable compensation. From this all, the learned Tribunal has rightly awarded it so and there is no scope for further enhancement.

Finding the Award to be in consonance with the law, the appeal being without any merit stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

February 2, 2015
rps