

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

FAO No.4024 of 2014

Date of decision: 2nd February, 2015

Shanti Devi and others

... Appellants

Versus

Mohd. Irfan 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. Surender Deswal, Advocate
for the appellants.

FATEH DEEP SINGH, J.

Claimant/appellants have challenged the compensation of ₹6,63,000 so awarded by learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri through Award dated 15.10.2013 on account of the death of Kundan Singh. At the time of his death deceased was aged around 30 years which is based on the post-mortem report Ex.P4. Though the claim is that he was employed as a driver getting ₹7,000 per month however, in the light of the fact that no documentary proof of his earnings or avocation was brought about, learned Tribunal has rightly considered him to be an unskilled labourer

and taken his earnings to the tune of ₹4,500 per month at the time of accident in the year 2012.

The learned Tribunal has deducted 1/4 of these earnings and has taken actual dependency to be ₹40,500 per annum and applied a multiplier of 16 and placing reliance upon '**Sarla Verma & others v. Delhi Transport Corporation & another**' reported in **2009(6) SCC 121**, has come to the compensation on this account to the tune of ₹6,48,000 and by adding another amount of ₹5,000 for loss of consortium, ₹5,000 for funeral expenses and ₹5,000 for the loss of estate, has come to the justifiable compensation of ₹6,63,000.

Mr. Surender Deswal, learned counsel for the appellants though has laid much emphasis that under various conventional heads not much has been awarded, however having regard to the fact that the overall compensation is just, fair and equitable and it would hardly be of any consequence if under various heads there is a scaling down of the compensation. Thus, finding that the overall compensation and thus the Award are reasonably fair and there being no evident illegality the appeal being without any merit stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

February 2, 2015

rps