

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

F.A.O. No. 4192 of 2014 (O&M)

Date of decision : February 04, 2015

Parveen Rani and others

....Appellants

versus

Karam Singh and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sandeep Punchhi, Advocate, for the appellants

Fateh Deep Singh, J. (Oral)

CM No. 12260.CII of 2014

For the reasons mentioned in the application which is supported by an affidavit, delay of 16 days in filing the appeal is condoned. CM stands disposed of.

FAO No. 4192 of 2014

The claimants-appellants have sought enhancement of compensation granted by way of award dated 30.9.2013 by the learned Motor Accident Claims Tribunal, Sirsa.

Heard Mr. Sandeep Punchhi, counsel for the appellants and perused the record.

The factual matrix that it was on 1.7.2011 deceased was coming with his family from Ellenabad in Maruti Car bearing No. DL-3CN-3996 when around 3.20 PM in the area of village Bharolianwali when the deceased was standing by the road side easing himself, offending bus No. HR-57-4856 came and hit deceased resulting in his death.

The deceased at the time of his death. as established on record by widow Parveen Rani PW1 was running a shop selling Sweets and was aged around 39 years. However, the claim that the deceased was earning Rs 20,000/- per month has not been documentarily supported. The learned Tribunal in the light of this failure of the claimants had adjudged earning to the tune of Rs 48,00/- per month, considering him to be a casual worker and after deducting 1/4th for his own dependency had keeping in view the age of the deceased applied the multiplier of 15 and held that the claimants were entitled to dependency compensation of Rs 8,42,400/-. Besides awarding Rs 20,000/- under various conventional heads has rounded off the entire compensation to Rs 8,62,400/-. Though it has been rightly argued by the counsel for the appellant that the amount awarded under the conventional heads is quite low. However, having regard to the fact that the onus to prove the entitlement to compensation was upon the claimants

and their failure to lead any documentary and cogent evidence of the earnings and their dependency the only recourse left for the Tribunal was to adjudge on the basis of taking earnings to be of a daily wager. Though under the conventional heads category wise the amounts are low but having regard to the fact that over all compensation in view of this considered avocation is just and fair impels this Court to hold that no fault can be found out with the amount awarded. The appeal being without any merit is dismissed in limine.

February 04, 2015
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(Fateh Deep Singh)
Judge