

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

FAO-4206 of 2014

Date of decision:19.02.2015

Jagjit Kaur and anr.

..... Appellants

VERSUS

Mohd. Unish and ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present: Mr. Rakesh Kumar Kaundal, Advocate
for the appellants.

MAHAVIR S. CHAUHAN J. (ORAL)

By way of this appeal, legal representatives of deceased-
Raminder Singh seek modification of award dated 04.01.2014
whereby, learned Motor Accident Claims Tribunal, Chandigarh ("the
Tribunal" for short) has awarded a compensation amounting to
Rs.6,73,000/- in their favour on proof of death of Raminder Singh
(for brevity-'the deceased') in a motor vehicle accident which
occurred at about 5:30 P.M. on 22.08.2009 on account of rash and
negligent driving of a truck bearing registration No.HR-55-F-6767
("offending vehicle" for short) by respondent-Mohd. Unish. Though
as per the case pleaded by the applicants, deceased was earning
Rs.12,000/- per month but learned Tribunal, on the basis of evidence
available on record, assessed income of the deceased as Rs.4,000/-
per month. The appellants are aggrieved by this part of the award

only.

I have heard learned counsel for the appellants besides perusing the impugned award.

Learned Tribunal in Para No.18 of the impugned award has observed as under :-

“To determine the compensation payable, the Tribunal also has to determine income of the deceased. Claimant's case is that deceased was working in Audio Vision, X-1148, Rajgarh Colony, Delhi earning Rs.12,000/- per month. PW-2 Rajinder Kumar, Technical Advisor, Audio Vision, X-1148, Rajgarh Colony, Delhi stated that deceased was working as Electronic Technician, drawing salary of Rs.12,000/- per month. He proved the salary slip Ex.P2/1. He however, failed to bring the salary record of deceased. Ex.PW2/1 produced by him does not bear any date. It is in his cross-examination that the company had an Accountant to maintain the financial record of the company, but no financial record was produced. PW-4 Rajiv Kumar brought the salary vouchers of deceased and placed on record their copies Ex.PW4/1 to Ex.PW4/9. In cross-examination, he admitted that there was no entry regarding the salary paid to the deceased in the register of salary. The record relating to income of the deceased does not satisfy the judicial conscience. There is no qualification certificate of deceased produced in evidence. The Tribunal is not convinced that deceased was a technical hand in the absence of

documents to prove his qualifications nor is the Tribunal convinced as to existence of the firm Audio Vision, Delhi and its certificate Ex.PW2/1, vouchers Ex.PW4/1 to Ex.PW4/9. Income of the deceased therefore shall be taken as a daily wager. Keeping in mind the minimum rate of wages notified by the State in 2009, income of deceased is taken as R.4,000/- per month”.

Learned counsel for the appellants has not been able to show that the above-cited findings of the learned Tribunal are against the record. Learned counsel has not been able to show record of salary of the deceased, if any, being maintained by his employer. As observed by the learned Tribunal, no reliance could be placed on the salary slips Exhibits PW4/1 to PW4/9 because it has been admitted by PW-4 Rajiv Kumar that no corresponding entries regarding payment of salary to the deceased were available in their record.

Consequently, I regret my disinclination to interfere with the well reasoned award passed by learned Tribunal.

Dismissed.

No costs.

February 19, 2015
m. sharma

(Mahavir S. Chauhan)
Judge