

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

FAO No.4705 of 2014

Date of decision: 8th January, 2015

Charanjit Kaur and others

... Appellants

Versus

Avtar 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. Karamjit Verma, Advocate
for the appellants.

FATEH DEEP SINGH, J.

Present appeal is a challenge to an Award dated 28.09.2013 of the learned Motor Accident Claims Tribunal, Ludhiana awarding a sum of ₹11,58,000 along with interest @ 9% p.a. to the claimants for the death of Paramjit Singh @ Pamma.

It is amply proved that the deceased Paramjit Singh @ Pamma, who was aged around 42 years, died while on duty at bus stand Doraha on 27.10.2010 around 8.00 a.m. when a Canter/Tempo bearing registration No.HR-37-6677 hit him as a consequence of which he was rushed to hospital where he died on 15.02.2011. It is

much in evidence from the impugned Award that the entire income and earnings of the deceased from alleged selling of milk and salary as an Adda Incharge with a private bus undertaking is based on oral testimony of PW-7 Harbans Singh and PW-4 Bashir Mohammad as well as the testimony of the widow Charanjit Kaur. Learned Tribunal has drawn conclusion that the deceased in all eventuality was earning ₹5,000 per month when he ought to have been considered as a daily-wager in the light of testimonies of the alleged employees of the employer and lack of any documentary credence as to the stance of the claimants. The learned Tribunal has deducted 1/4 of the earnings and has considered dependency as ₹3,750 per month and ₹45,000 per annum. The Tribunal has applied multiplier of 14 and reached dependency compensation to the extent of ₹6,30,000 besides awarding on the basis of medical expenses, bills Ex.RW5/A and Ex.RW5/B ₹4,92,891 and rounded off to 4,93,000. Learned counsel for the appellants to the very query of the Court could not convince how the same was not commensurate with the evidence or was on the lower side. Besides this, the Tribunal has awarded compensation for funeral expenses and loss of consortium etc. Thus, the overall amount so awarded to the tune of ₹11,58,000 cannot in any manner be termed to be inadequate or unjust, rather it is on the higher side and so the rate of interest @ 9% p.a. so awarded by the Tribunal which fact has never been challenged by any of the respondents.

Thus, the overall evidence does not in any manner call for any interference and the appeal thus, stands dismissed in limine.

**(FATEH DEEP SINGH)
JUDGE**

January 8, 2015
rps