

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5266 of 2014 (O&M)
Date of Decision:22.01.2015

Smt. Durgawati and others

....Appellants

Versus

Badal Ray and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Ms. Mansi Bansal, Advocate for
Mr. Ashwani Arora, Advocate for the appellants.

NAVITA SINGH, J.

1. The appellants have filed the appeal for enhancement of the amount of compensation granted by the Motor Accident Claims Tribunal, Chandigarh (Tribunal for short), on the ground that the income was assessed on the lower side and also nothing was awarded under the conventional heads.

2. The case of the appellants was that the deceased was earning Rs.15,000/- per month whereas Tribunal took his income only as Rs.6358/- per month. Interest was also to be awarded at the rate of 12% per annum.

3. Perusal of the award shows that the appellants themselves had produced Manish Sharda, PW3 from the office of the employer of the deceased who proved from the employment record and salary certificate, that the deceased was drawing Rs.6358/- at the time of accident. The appellants are, therefore, estopped from claiming any higher amount of salary as the same was proved from documentary evidence by the witness of the appellant themselves.

4. Regarding conventional heads, loss of consortium was awarded to the tune of Rs.1,00,000/- together with Rs.25,000/- each for funeral expenses and loss of love and affection. The amount was sufficient under all the heads.

5. Regarding interest, nothing was urged and even otherwise the interest @ 7.5% given by the Tribunal was adequate.

6. The appeal is dismissed.

(NAVITA SINGH)
JUDGE

22.01.2015
Ishwar

Whether to be referred to reporter: No