

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

FAO-521-2015

Date of decision: 9.10.2015

Smt.Bimla

...Appellant

Versus

Jasvir Singh @ Jasbir Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.SS Goraya, Advocate for the appellant

SNEH PRASHAR, J.

The present appeal has been filed by the claimant-appellant, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Amritsar (for short 'the Tribunal') vide award dated 06.10.2014 on account of death of Sukhpreet Singh, son of the appellant in a road side accident.

The submissions made by learned counsel for the appellant have been heard.

Learned counsel for the appellant submitted that the deceased was working as Bar Bender and was also having a dairy farm. He was earning Rs.15,000/- per month. To prove the income of the deceased, appellant had examined two witnesses namely Karam Singh and Sukhdev Singh as CW3 and CW4 respectively.

He further asserted that the amount awarded towards loss of love

and affection is also on the lower side.

Perusal of the Award shows that the deceased was 30 years of age and was bachelor at the time of death. The claimant is the mother. As regards income of the deceased, no substantive and reliable evidence could be produced by the appellant to support her claim that the deceased was earning Rs.15,000/- per month except the ocular statements of CW3 and CW4. No appointment letter or any other document showing the attendance of the deceased or payment of salary to him, could be produced by the said witnesses. As such, the amount of Rs.9000/- per month assessed as monthly income of the deceased by learned Tribunal appears to be justified. Learned Tribunal granted increase in income of the deceased considering future prospects to the extent of 50% and applied multiplier of 17 according to the age of the deceased and deducted 1/2 towards personal expenses, which indeed is just and adequate in view of the law laid down by the Hon'ble Supreme Court in **Rajesh and others vs. Rajbir Singh and others 2013(3) Civil Court Cases 15** and **Sarla Verma and others vs. DTC and another 2009 (3) RCR (Civil) 77**.

Learned Tribunal awarded a sum of Rs.25,000/- towards funeral expenses and Rs.10,000/- towards loss of estate, which keeping in view the facts and circumstances of the case are also

adequate.

In the above premises, the present appeal deserves no enhancement and the same is hereby dismissed.

9.10.2015
gsv

(SNEH PRASHAR)
JUDGE