IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-8372-2014
Date of decision: 19.11.2015

Saroj Toki and others

...Appellants

Versus

Harjinder Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Surinder Singh, Advocate for the appellants

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SNEH PRASHAR, J.

The present appeal has been filed by the claimants-appellants, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Panchkula, vide award dated 19.5.2014, on account of death of Sandeep Toki due to the injuries sustained by him in a road side accident.

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

Learned counsel for the appellants submitted that the deceased was a Doctor and as per income tax return Ex.PW2/B, his gross income was Rs.2,15,610/- per annum, whereas learned Tribunal has taken his income as Rs.1,85,000/- per annum. He further submitted that the amount awarded towards loss of love and affection to the minor child is also on the lower side.

It is proved on record that the death of Sandeep Toki had occurred due to a road side accident caused by respondent No.1-driver of the offending vehicle. Perusal of the award reveals that in Ex.PW3/B, income tax return for the assessment year 2012-13, the total gross income of the deceased was mentioned as Rs.1,87,365/- per annum as well as in the income tax return for the assessment year 2010-11, it was mentioned as Rs.1,84,783/- per annum. Learned Tribunal taking into consideration both the income tax returns, assessed the income of the deceased as Rs.1,85,000/- per annum, which appears to be fair and appropriate. Increase to the extent of 30% in the income of the deceased has already been awarded by learned Tribunal. There were three children and learned Tribunal awarded a sum of Rs.75,000/- (Rs.25,000/- per child) to them for loss of love and affection. The appellants were awarded Rs.One lac towards loss of consortium and Rs.25,000/- towards funeral expenses, which are just and appropriate.

In view of the above, there is no merit in the present appeal and as such, the same is hereby dismissed.

19.11.2015 **(SNEH PRASHAR)**
gsv **JUDGE**