

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

**FAO-1304-2015 (O&M)  
Date of Decision: 20.10.2016**

**Bimla Devi and ors**

**....Petitioners.**

**vs.**

**Narender and ors**

**.....Respondents.**

**CORAM: - HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: - Mr. J.P.Sharma, Advocate for appellants.

Ms. Vandana Malhotra, Advocate  
for Insurance Company.

**Rajan Gupta, J.**

....

Present appeal is directed against the award passed by the Tribunal dated 28.11.2014, whereby compensation amounting to ₹ 5,28,500/- along with 9% interest from the date of filing of claim petition has been granted.

The accident took place on 2.2.2014 in which the deceased namely Shakti died. An FIR was also lodged regarding the incident. Instant claim petition was preferred by legal representatives of the deceased. They claimed that deceased was earning ₹ 20,000/- per month as he was employed as Supervisor in the company of respondent No. 2. They were, thus, entitled to compensation to the tune of ₹ 50,00,000/-. The Tribunal came to the conclusion that death of Shakti took place as a result of rash and negligent driving of the vehicle in question by respondent No. 1. It also framed *issue No. 2* regarding the amount of compensation. Bimla Devi, appellant No. 1 is the mother of deceased who appeared as PW-1. She stated that her son was drawing the salary of ₹ 20,000/- being a Supervisor in a private company. The Assistant Manager of the company appeared as PW-3 and made the statement in the same terms as PW-1,

Bimla Devi. Insurance Company-respondent, however, took the stand that in case salary of the deceased was ₹ 20,000/- same would be paid by the company through cheque and not in cash. The Tribunal disbelieved the claimants and as regards the salary of the deceased treated him to be a skilled labourer. The Tribunal assessed the salary of the deceased- Shakti as ₹4800/- per month. Keeping in view the age of the deceased a multiplier of 18 was applied and 50% was deducted on account of personal expenses. Hence, the compensation was assessed as ₹ 5,28,500/-. The award has been assailed on the ground that salary was not correctly assessed by the Tribunal.

I find no merit in the said plea. It is inexplicable that why the private company would pay salary to its employee by way of cash and not deposit the same in his account. The findings of the Tribunal cannot be faulted on this ground. Thus, there is no ground to interfere in the award passed by the Tribunal.

However, it appears that Tribunal has omitted to grant any compensation on account of loss of love and affection to claimants. This court feels that an amount of ₹ 50,000/- should be granted under this head. The appellants are also entitled for another amount of ₹ 10,000/- as funeral expenses.

Ordered accordingly. The award passed by the Tribunal is modified to this extent. Rest of the findings would remain intact.

Disposed of.

20.10.2016  
preeti

**(RAJAN GUPTA)**  
**JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether Reportable*

*Yes/No*