

FAO No. 553 of 2013(O&M)

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 553 of 2013(O&M)

Date of Decision: 15.11.2016

Smt. Sunita Bakshi and another

---Appellants

versus

Subhash Chand and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sagar Aggarwal, Advocate
for the appellants**

**Mr. Rajneesh Malhotra, Advocate
for respondent No. 3**

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation in regard to death of Om Parkash Bakshi in a motor vehicular accident.

Counsel for the appellants has submitted that the Motor

Accidents Claims Tribunal, Sonapat (in short “the Tribunal”) assessed income of the deceased at Rs. 10,000/- per month but the deceased was drawing a salary of Rs. 18,000/- per month from Satya Kiran Hospital. Further submitted that the Tribunal has allowed a multiplier of 5 in place of 7 as the deceased was 60 years old. Compensation awarded under conventional heads also needs enhancement. It is prayed that the matter with regard to computation of assessment both for loss of dependency and under conventional heads may be remitted to the Tribunal for adjudication afresh with liberty to the claimants to adduce additional evidence to prove income of the deceased.

Counsel for the insurance company has got no objection.

In view of the above coupled with the factum that the Tribunal has an obligation to assess just, reasonable and equitable compensation, findings recorded by the learned Tribunal on issue No. 2 with regard to assessment of compensation are set aside and the matter is remitted to the Tribunal for decision of issue No. 2 afresh and the claimants are left at liberty to adduce additional evidence to prove income of the deceased. The Tribunal shall provide two effective opportunities to the claimants for adducing additional evidence in this regard and thereafter, the insurance

company shall be entitled to rebut the evidence in two effective opportunities to be provided for the purpose.

In view of the above, the petition is partly allowed in the aforesaid terms. The matter is remitted to the Tribunal for decision of issue No. 2 afresh.

The parties through their counsel are directed to appear before the Tribunal on 14.12.2016.

(Rekha Mittal)
Judge

15.11.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No