

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

-.-

FAO 4829 of 2016

Date of decision: 06.12.2016

Som Pal alias Soma and another

.....Appellants

Versus

Amar Singh Kamboj and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Rajiv Kumar Saini, Advocate
for the appellants

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Rohit Kumar in a motor vehicular accident that took place on 14.02.2014. The learned Tribunal awarded Rs.14,46,000.00, detailed in para 23 of the impugned award.

Counsel for the appellants has sought enhancement qua income of the deceased and under conventional heads. It is argued that the claimants examined Ankur Sharma, Proprietor of Puja Medical Agency, Gangoh, District Saharanpur. It was deposed by him that Rohit Kumar was supplying medicines since April 2012 and he (Ankur Sharma) used to pay a sum of Rs.10,000.00 per month as salary to him. It is argued that income of the deceased may be assessed at Rs.10,000.00 per month. Compensation awarded for loss of love and affection at Rs.1,00,000.00 be enhanced, besides allowing compensation for loss of estate.

I have heard counsel for the appellants and perused the paper book particularly the award passed by the Tribunal.

The Tribunal in para 15 of the award has considered testimony of Ankur Sharma (PW2). It has been noticed that Ankur Sharma in his cross examination has deposed that he has employed two persons with him and is paying them salary of Rs.7500.00 to Rs.8000.00 per month. Testimony of the witness with regard to salary of the deceased at Rs.10,000.00 per month does not find corroboration from any documentary evidence. In this view of the matter, I do not find any reason to interfere in the findings of the Tribunal assessing income of the deceased at Rs.8,000.00 per month.

The claimants are the parents of deceased Rohit Kumar. There is nothing on record suggestive of the fact that father of the deceased was actually dependent upon earning of the deceased. That being so, award of compensation to the tune of Rs.1.5 lakhs for loss of love and affection etc., transportation and funeral expenses, besides compensation for loss of dependency to Rs.12,96,000.00 does not justify enhancement on any count whatever.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

06.12.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No