

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

FAO-513-2016 (O&M)

Date of decision: 24.2.2016

Saroja Devi and others

...Appellants

Versus

Nand Lal and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Ms.Sonia G.Singh, Advocate for
Mr.GS Sandhu, Advocate for the appellants

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, SAS Nagar (Mohali) (for short 'the Tribunal') vide award dated 17.10.2015 on account of death of Abhay Raj in a motor vehicular accident on 12.8.2014.

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

It is submitted on behalf of the appellants that despite the fact that the deceased was working as security guard and getting salary of Rs.8500/- per month, learned Tribunal has assessed his monthly income as Rs.7500/- per month. The deduction of 1/3rd towards personal and living expenses of the deceased is on the higher side and also the amount awarded under conventional heads is inadequate.

The deceased was 38 years old at the time of his death. To prove the income of the deceased that he was working as security guard and was earning Rs.8500/- per month, the claimants-appellants neither examined any witness nor produced any document. Therefore, in absence of some substantive evidence regarding income of the deceased, the Tribunal has taken the income of the deceased as Rs.75,00/- per month, which is just and appropriate.

The number of dependents are three i.e. wife, and two children. In view of the law laid down in **Sarla Verma and others vs. DTC and another 2009 ACJ 1298**, the deduction of 1/3rd towards personal and living expenses of the deceased was rightly made. The Tribunal had awarded a sum of Rs.One lac on account of loss of consortium; Rs.One lac on account of loss of love, care and guidance to appellants No.2 and 3 and another sum of Rs.25,000/- on account of funeral expenses, which is in consonance with the law laid down in **Vimal Kanwar and others vs. Kishore Dan and others (2013-3) PLR 776**.

In the above premise, finding the compensation awarded by learned Tribunal as just and appropriate, the impugned Award does not warrant any intervention and the present appeal being bereft of merit is dismissed.