

FAO 6430 of 2016 (O&M)

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

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FAO 6430 of 2016 (O&M)
Date of decision: 20.10.2016

Rajasthan State Road Transport Corporation *Appellant*

Versus

Suman Devi and others *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Anil Kumar Gahlawat, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

The present appeal has been directed against award dated 27.07.2016 passed by the Motor Accidents Claims Tribunal, Faridabad (in short, 'the Tribunal') whereby compensation was awarded in favour of Smt. Suman Devi and others in regard to death of Kripa Shankar in a motor vehicular accident that took place on 27.01.2015.

The sole submission made by counsel for the appellant is that the learned Tribunal has assessed income of the deceased at Rs.15,000.00 per month on the basis of testimony of Smt. Suman Devi, widow of the deceased and Santosh Kumar Singh, Assistant Manager of M/s Akshava Infrastructure Pvt Limited (PW4). It is argued that evidence adduced by the claimants to prove employment and salary drawn by the deceased from M/s Akshava Infrastructure Pvt Limited is not sufficient to substantiate their

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claim, therefore, compensation assessed by the Tribunal is liable to be reduced.

I have heard counsel for the appellant and perused the paper book particularly the award impugned.

The Tribunal in para 11 of the award under heading 'loss of income' has dealt with evidence adduced by the claimants to establish their plea that the deceased was working with M/s Akshava Infrastructure Pvt. Limited at a salary of Rs.15,073.00 per month. Smt. Suman Devi, widow of the deceased tendered into evidence her affidavit Ex.PW1/A and asserted that the deceased was working as Store Assistant in M/s Akshava Private Limited, Noida and was getting a salary of Rs.15,073.00. Santosh Kumar Singh (PW4) brought the employment record of Kripa Shankar and exhibited documents Ex.P12 and Ex.P13. As per his testimony, the deceased was appointed as Store Assistant on 01.04.2011 vide appointment letter Ex.P12 and was confirmed after probation vide letter Ex.P13 on 01.10.2011. Counsel for the appellant has failed to point out any material brought forwarded in cross examination of Santosh Kumar Singh (PW4) in order to impeach his credibility and correctness of the record brought by him to prove employment and salary of the deceased. Indisputably, the appellant did not adduce any evidence to rebut evidence adduced by the claimants to prove loss of income owing to untimely death of Kripa Shankar. In this view of the matter, I do not find any error much less illegality whereby the Tribunal has assessed income of the deceased at Rs.15,000.00 per month and deducted an amount of Rs.4,000/- toward personal expenses of the deceased and, thus, assessed loss of dependency at Rs.11,000/- per month.

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No other point has been raised.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed *in limine*.

(Rekha Mittal)
Judge

20.10.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No