

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 7916 of 2015
Date of Decision : 03.11.2016

Manjit Kaur and othersAppellants

Versus

Reliance General Insurance Co. Ltd and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Amrita Nagpal, Advocate
for Mr. Sagar Deswal, Advocate
for the appellants.

Surinder Gupta, J.

This is appeal by Manjit Kaur and others seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Kurukshetra (later referred to as 'the Tribunal') for death of Sukhwinder Pal Singh @ Raju (later referred to as 'the deceased') in accident on 10.03.2014 with car bearing registration no. HR-07-K-0345 (later referred to as 'the offending vehicle').

2. As the only issue involved in this appeal is with regard to enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. While seeking enhancement of compensation, learned counsel for appellants has argued that income of the deceased as taken by the Tribunal is on lower side. Wife of the deceased while appearing as PW-1 has stated that the deceased was an auto-rickshaw driver and was earning ₹20,000/- per month. The Tribunal has observed that no documentary proof of employment and income can be expected from a person employed in unorganized sector but discarded her statement and assessed income of the

deceased as ₹9000/- per month, which is on lower side. She has argued that the Tribunal should have taken income of the deceased as deposed by her wife.

4. Tribunal took the deceased as a driver and in the absence of any evidence that he was owning the three-wheeler took a judicial notice of the fact that rate of minimum wages for driver have been notified by the State of Haryana and Deputy Commissioner, Kurukshetra from time to time. The Tribunal assessed earning of the deceased as ₹9000/- per month based on the wages for driver notified by the Deputy Commissioner, Kurukshetra vide order dated 01.07.2014. In the absence of any evidence the Tribunal has rightly assessed income of the deceased as driver.

5. Learned counsel for appellants could not point out any evidence on record on the basis of which income of the deceased could be assessed more than ₹9000/- per month. I find no reason to disagree with the assessment of income of the deceased by the Tribunal.

6. No other argument has been advanced by learned counsel for appellants.

7. This appeal has no merit and the same is dismissed.

November 03, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No