# IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.26362-CII of 2014 in/and**
**FAO No.5729 of 2004 (O&M)**

**Date of Decision: 8.11.2017**

**Smt.Santosh Rani and others**

**..Appellants**

**Vs.**

**Rajinder Singh and others**

**..Respondents**

**CORAM: HON'BLE MR.JUSTICE B.S.WALIA**

Present: Mr.Sandeep Kotla, Advocate for the appellants.

Mr.Vinod Gupta, Advocate for the respondents.

**B.S.WALIA, J.(Oral)**

**CM No.26362-CII of 2014**

CM is allowed as prayed for.

Appeal is taken up on the Board of this Court.

**Main Appeal**

1. Appeal is for enhancement of compensation of Rs.4,17,500/- awarded to the legal representatives of deceased Bhajan Lal who was 35 years of age and who died in an accident on 24.11.2000. The claimant-appellants are widow, three minor children and parents of the deceased. The claimants had alleged that the deceased was earning a sum of Rs.5000/- as a mechanic besides earning Rs.50,000/- per annum while working as agriculturist. However, on the basis of evidence, the learned Tribunal assessed the income of the deceased at Rs.3000/- p.m. and by deducting $1/3^{rd}$ of the income as personal expenses, assessed the dependency at $2/3^{rd}$

and by applying multiplier of 17 in accordance with the Second Schedule under Section 163-A on account of age of the deceased being 35 years, worked out the compensation at Rs.4,08,000/- as per the details given hereunder :-

(Income assessed after deducting personal expenses is Rs.2000 per month)

In addition to the above, a sum of Rs.9500/- was awarded on account of funeral expenses, loss of consortium and loss of estate in accordance with Note 3 to the Second Schedule. In total, a sum of Rs.4,17,500/- was awarded.

2. Learned counsel for the appellants by relying upon paragraph No.14 of the award, has contended that although the claimant-wife had stated that the deceased was owning 5 acres of land and deceased was earning Rs.50,000/- as an agriculturist, yet the learned Tribunal had not taken the aforementioned aspect of the matter into account while assessing the income of the deceased.

3. Per contra, learned counsel for the respondents contended that no doubt the wife of the deceased had alleged that the deceased was owning 5 acres of land but no revenue record in respect thereto had been placed on record, therefore, the findings recorded by the learned Tribunal assessing the income of the deceased at Rs.3000/- per month was perfectly justified.

4. I have considered the submissions made by learned counsel for the parties and am of the view that there is no scope for interference in the award passed by the learned Tribunal. Admittedly, the multiplier of 17 had been correctly applied in accordance with the Second Schedule. Likewise the income which has been assessed by the Tribunal, has been correctly

assessed and no circumstances have been shown by learned counsel for the appellants to take different view with regard to the fact that deceased was earning more than the income assessed by the learned MACT. That apart, compensation on account of amount payable under conventional heads i.e. funeral expenses, loss of consortium, loss of estate has also been awarded as per Note III to the Second Schedule. Accordingly, figure of Rs.4,17,500/- as arrived at by the MACT has been correctly awarded. Therefore, no ground is made out for interfering with the award passed by the learned Tribunal. The appeal is accordingly dismissed and the award passed by the learned MACT, Hisar is upheld.

**( B.S.Walia )**
**Judge**

8.11.2017
Meenu

Whether speaking/reasoned - Yes/No
Whether Reportable - Yes/No