

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 6215 of 2012 (O&M)

Date of Decision: 17.11.2017

Kamlesh Rani and others

.....Appellants

Versus

Rachhpal Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Ekta Thakur, Advocate
for the appellants.

Mr. Shubham Jain, Advocate for
Mr. Suman Jain, Advocate
for respondent No. 3.

ANITA CHAUDHRY, J

This is the claimants' appeal for enhancement in the award dated 8.5.2009 passed by the Motor Accident Claims Tribunal, Chandigarh.

The claim petition had been filed under Section 163-A of the Motor Vehicles Act. The claimants were the widow, sons, daughter and mother of the deceased. The claimants had pleaded that the deceased was 28 years old and was earning Rs. 3200/- per month. The Tribunal noted that no evidence was led with respect to the income and took the income to be Rs. 3000/- per month and deducted 1/3rd as per the IInd Schedule appended with the Motor Vehicles Act and took the dependency at Rs. 2,000/- and applied the multiplier of 18 to calculate the compensation to be Rs. 4,32,000/-. Besides this Rs. 5,000/- was awarded for funeral expenses and Rs. 5,000/- for loss of consortium and total claim of Rs. 4,42,000/- was allowed.

had pleaded that the income earned by the deceased was Rs. 3200/- per month and the Tribunal had wrongly taken the income to be Rs. 3,000/- per month.

The submission on the other hand is that the Tribunal had already taken a higher income as the minimum wages in 2005 were Rs. 2500/- and the claimants were required to prove that the deceased was earning Rs. 3200/- per month and the oral statement was not enough. He further submits that the deduction is as per the IInd Schedule and the amount awarded on the two heads is more than what is provided under the IInd Schedule. He further submits that that Rs. 10,000/- has been allowed though as per the IInd Schedule, Rs. 2500/- should have been allowed for loss of estate and Rs. 5,000/- for loss of consortium and Rs. 2,000/- for funeral expenses.

I find no infirmity in the findings recorded by the Tribunal. The claimants had failed to lead any evidence to show that the deceased was earning Rs. 3200/- per month. The claim petition had been filed under Section 163-A of the Motor Vehicles Act. The minimum wages were around Rs. 2500/-. The Tribunal had applied the correct multiplier and had awarded the amount that could be payable on the miscellaneous heads as per the IInd Schedule.

No case for enhancement is made out.

The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

November 17, 2017

Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No