

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

FAO No. 5058 of 2014 (O&M)
Date of Decision: October 27, 2017

Varsha Sharma and others

..Appellant(s)

Versus

Rajiv Kumar and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vikram Bali, Advocate
for the appellants.

Ms. Swati Batra, Advocate
for respondent no.3.

ANITA CHAUDHRY, J.

CM-14392-CII-2014

Reply to the application seeking condonation of delay has
been filed by respondent no.3.

For the reasons set out in the application, same is allowed
as prayed for and delay of 135 days in filing the appeal is condoned.

MAIN CASE

This appeal is against the award dated 30.07.2013 passed
by the Motor Accident Claims Tribunal, Panchkula.

A claim petition was filed by the widow and two major
sons seeking compensation for the death of Surinder Pal, who was 73
years old. The Tribunal noted that the deceased was a pensioner and
after the death his widow was getting almost the same amount. The

Tribunal took the pension into account and made a deduction of 50% and correctly applied the multiplier of 5 to calculate the compensation. Besides that Rs.1 lac was allowed for loss of consortium and Rs.25,000/- for funeral expenses.

The submission on behalf of the appellants is that besides the pension the deceased was also having income as he was running a medical shop and at least the minimum wages should have been taken into consideration and that should have been added in the income.

The argument raised on behalf of the appellants cannot be accepted. The deceased was a pensioner and was getting pension of Rs.15,000/- per month. The claimants failed to lead any evidence to show that the deceased was running a medical store or was working at a medical store and the oral statement was not enough. If he was running a chemist shop, he would have taken a license to sell the medicines and it could be placed on record to prove that he had another source of income. No addition of minimum wages could have been made. No further addition can be allowed. The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

October 27, 2017

sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No