

**FAO No. 6721 of 2016**

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

**FAO No. 6721 of 2016 (O&M)**

**Date of Decision: 17.07.2017**

**Balvir Kaur**

**... Appellant**

**vs.**

**Balwinder Singh & Anr.**

**... Respondents**

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

**Present:- Mr. L.S. Sidhu, Advocate  
for the appellant.**

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**ANITA CHAUDHRY, J.**

**CM NO. 23397-CII OF 2016**

For the reasons mentioned in the application, the same is allowed and delay of 23 days in filing the appeal stands condoned.

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This is claimant's appeal seeking enhancement in the award dated 18.04.2016 passed by the Motor Accident Claims Tribunal, Ludhiana(for brevity, the Tribunal)vide which she had been allowed claim to the tune of Rs.9,41,000/- for the death of her son Ravinder in a motor vehicular accident which took place on 09.02.2012.

The Tribunal held that the accident had taken place due to rash and negligent driving of offending car by respondent No.1 due to which Ravinder died. The vehicle was insured with respondent No.2

Insurance Company and both the respondents were held jointly and severally liable to pay the amount of compensation to the claimant-mother who was dependent upon the deceased.

Modification in the award has been sought on the ground that the Tribunal has erred in taking the income of the deceased on lower side i.e. Rs.8000/- per month; the multiplier was not correctly applied and that no amount for the loss of consortium was allowed.

There is no merit in the appeal. The stand of the claimant was that her son was a driver and was earning Rs.15000/- per month. The ocular testimony of interested witnesses was produced. The appellant failed to produce any documentary evidence to support her claim. The Tribunal held that the deceased was driver and took the notional income to be Rs.8000/- per month. In absence of any cogent and convincing evidence, it cannot be said that the income of the deceased was taken on lower side. The deceased was 30 years at the time of accident. The claimant was the only dependent and she alone filed the claim petition. It cannot be said that the deduction of 50% towards the personal expenses of the deceased was on higher side. Taking into account the age of the deceased, multiplier of 17 was correctly applied. A sum of Rs.1 lac was awarded for loss of love and affection and Rs.25000/- towards funeral expenses. The deceased was the son of the claimant. She had adequately been compensated on account of loss of love and affection of her son. The Tribunal had rightly considered the factual aspect of the matter and awarded a sum of Rs.9,41,000/- under different heads. No fault could be found with

the approach adopted by the Tribunal. There is no scope for enhancement. The appeal is dismissed in limine.

17.07.2017

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(ANITA CHAUDHRY)  
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No