

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

FAO No. 2096 of 2015 (O&M)

Date of Decision:- 27.04.2018

Paramjit Kaur & Anr.

....Appellants

Versus

Avtar Singh & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. R.P.S. Cheema, Advocate, for the appellant.

Mr. Sanjiv Pabbi, Advocate, for respondent Nos. 1 and 2.

AVNEESH JHINGAN, J. (Oral)

The present appeal arises from the award dated 03.09.2014 passed by Motor Accident Claims Tribunal, Fatehgarh Sahib (for short, 'the Tribunal').

Bare facts necessary for adjudication of the appeal are that on 28/29.10.2013 Gurdeep Singh along with Ramakant was returning from Jodhpur by driving car bearing registration No. PB-23K-6932 (for short, 'the Car'). On reaching near turning of Petrol Pump, Bassi Pathana the car turned turtle as a result Gurdeep Singh died on the spot and Ramakant suffered injuries. DDR No. 14 dated 29.10.2013 was lodged at Police Station Bassi Pathana.

A claim petition by legal heirs of the deceased was filed under Section 163-A of the Motor Vehicles Act, 1988 (for short, 'the Act'). In the claim petition, it was claimed that the deceased was working as a driver of Avtar Singh the owner of the Car. The claimants failed to prove that Avtar Singh had employed the deceased as a driver. The Tribunal assessed the

earning of the deceased as Rs.3300/- per month and awarded Rs.3,58,400/- along with interest @7% per annum. The Tribunal while passing the award specifically held that the employment of the deceased with the injured was not proved.

The claimants have filed the present appeal for enhancement of compensation.

In FAO No. 460 of 2015 filed by the Insurance Company, it has been held that claimants are not entitled to compensation beyond Rs.50,000/-. Hence the present appeal is dismissed.

April 27, 2018
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No