

(101) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.6253 of 2014 (O&M)
Date of decision : 03.08.2018

Neeraj Kumar

.... Appellant

Versus

Davinder Pal Singh and others

..... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S.WALIA.

Present: Mr. Prateek Rathee, Advocate for
Mr. Rajesh Gaur, Advocate for the appellant.

Mr. Vipul, Advocate for Mr. Nitin Mittal,
Advocate for respondent No.1.

Mr. G.S. Sawhney, Advocate for respondent No.2.

Mr. Shivam Gorver, Advocate for
Ms. Manjari Nehru Kaul, Advocate for respondent No.3.

B.S. WALIA, J. (ORAL)

[1] Claim is for enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Ambala (hereinafter referred to as “the Tribunal”) to Neeraj Kumar (appellant) on account of injury sustained by him in an accident on 09.04.2011 resulting in amputation of his right leg on 25.04.2011.

[2] Learned counsel for the appellant has confined his argument to seeking enhancement of compensation on the ground that the appellant was

an auto-driver and was earning ₹ 8000/- per month but the Tribunal by wrongly assessing the income of the appellant @ ₹ 4,500/- per month, awarded compensation of ₹ 6,37,400/-.

[3] Learned counsel for the respondents i.e. owner and driver as well as Insurance Company vehemently contended that apart from the statement made by the appellant of his working as an auto-driver, no proof whatsoever was led in support of the plea that the appellant was an auto-driver. Learned counsel contended that neither licence nor proof of ownership or of hiring of auto by the appellant was produced on the record to substantiate the plea that the appellant was either owning or had taken the auto on hire for plying the same as an auto-driver. In the aforementioned background, plea is that the compensation awarded to the appellant does not warrant any interference.

[4] I have considered the submissions of learned counsel for the parties and am of the view that no interference whatsoever is called for with the award passed by the learned Tribunal. Admittedly, apart from the statement of the appellant of his working as an auto-driver, there is no evidence on record to substantiate the same. Neither any driving licence nor proof of ownership of auto nor record of hiring of auto for plying the same has been produced by the appellant. In the circumstances, the assessment of the income of the appellant by the learned Tribunal as a daily wager at ₹ 4,500/- per month as per rates of minimum wages payable for the relevant period is perfectly justified and does not call for any interference whatsoever.

[5] Accordingly, finding no merit in the appeal, the same is dismissed. Since, the appeal has been dismissed on merits, therefore, the

days’ delay in refiling the appeal are merely of academic importance.
Consequently, the same are also dismissed.

03.08.2018
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(B.S. Walia)
Judge

1.

Whether speaking/reasoned

:

Yes/No.
2.

Whether reportable

:

Yes/No.