

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

FAO No. 5842 of 2015(O&M)

Date of Decision: 17.07.2018

Neelam and others

..... Appellants.

Versus

Sanwar Lal and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Munfaid Khan, Advocate
for Mr. Amit Kumar Jain, Advocate
for the appellants.

None for respondent no.1.

Mr. M.B.Jain Advocate
for respondent no.2.

LISA GILL, J (Oral).

Appellant-claimants have preferred this appeal seeking enhancement of the compensation awarded to them by the learned Motor Accident Claims Tribunal, Jind, vide award dated 01.04.2015.

Claimant no.1 is the widow and claimants no.2 and 3 are minor children of the deceased. Basant Lather, it was pleaded lost his life in a motor vehicle accident which took place on 10.04.2013 at about 9.00.a.m., due to the rash and negligent driving of the offending vehicle i.e. tanker trolly bearing registration no. RJ-32-GA-2614 by its driver-cum-owner-respondent no.1. The deceased was stated to be serving as an automobile engineer with Samrithi Hyundai, Ambala Jagadhari Road Tepla, Auto Hub Ambala, earning a sum of ₹26,350/- per month.

The learned tribunal, on consideration of the fact, circumstances and evidence on record concluded that the accident in question took place due to the rash and negligent driving of the offending vehicle i.e., tanker trolly by respondent no.1. While observing that there was nothing on record

to indicate the monthly income of the deceased, but keeping in view the diploma certificate Ex.P-6 (Diploma in Automobile Engineering), his monthly income was assessed as ₹8000/- per month. As the deceased was 34 years old at the time of accident an addition of 50% was afforded on account of loss of future prospects. Deduction of 1/ 3rd was effected. Multiplier of 17 was applied. Dependency was calculated as ₹16,32,000/-. Sum of ₹ 1,50,000/- was awarded under conventional heads.

The sole ground raised in this appeal is that the income of the deceased has wrongly assessed as ₹8000/-. However, it is not denied that except the bald statement of appellant no.1 and an alleged certificate Mark-B, there is no evidence on record to show that the deceased was earning a salary of ₹26,350/- per month.

Even, as per Mark-B, the deceased allegedly worked with the company w.e.f. 10.07.2011 to 04.04.2013 and the accident in question took place on 10.04.2013. In this view of the matter, learned tribunal has rightly assessed the income of the deceased as ₹8000/- per month. It is noticed that no appeal has been filed by the insurance company impugning award dated 01.04.2015 passed by the learned Motor Accident Claims Tribunal, Jind. Learned counsel for the Insurance Company while affirming that award dated 01.04.2015 has not been challenged by the insurance company submits that excess compensation has already been granted by the learned tribunal.

At this stage, learned counsel for the appellants submits that he has instructions not to press this appeal.

Dismissed as not pressed.

17.07.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.