243

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.6100 of 2016
Date of Decision : 12.07.2018.

Surjit Singh and others

... Petitioners

Versus

Salim and others

.... Respondents

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

Present: Mr. Bharat Bhushan Sharma, Advocate for the petitioners.

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B.S.WALIA, J.

1. Learned counsel has challenged the findings of the learned Motor Accident Claims Tribunal, Mewat (hereinafter referred to as 'the Tribunal') with regard to assessment of income of the deceased on the basis of Minimum Wages Act on the ground that the deceased was an Ex-Serviceman and further that the deduction has been wrongly made at the rate of $1/4^{th}$ of the income of the deceased.

2. I have considered the submission of learned counsel for the appellants but find no illegality with the award passed by the Tribunal warranting any interference by this Court, since despite query learned counsel for the appellants has not been able to refer to any document in support of plea of the deceased being an Ex-Serviceman and in the absence of any such record, there was no option with the Tribunal except to assess the income of the deceased under the Minimum Wages Act. As regards the plea that the deduction made at the rate of $1/4^{th}$ of the income of the deceased is incorrect, a perusal of the award reveals that there were 5

dependents. As per paragraph No.30 of the decision of Hon'ble the Supreme Court in Sarla Verma vs. Delhi Transport Corporation and another 2009(6) SCC 121, it was held that where the number of dependent family members is 4 to 6, then deduction towards personal expenses of the deceased is to be made at the rate of $1/4^{th}$ of the income of the deceased. Relevant extract of the decision of Hon'ble the Supreme Court in Sarla Verma's case (supra) is reproduced as under:-

> "30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra4, the general practice is to apply standardised deductions. Having considered several subsequent decisions of this(2003) 3 SLR (R) 601 Court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.

3. In the circumstances, no fault can be found with the findings recorded by the Tribunal. Consequently, the appeal is dismissed in limine.

(B.S.WALIA)
JUDGE

12.07.2018
rajesh.k.khurana

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