

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

FAO No.7226 of 2016 (O&M)

Date of Decision: 28.05.2018

Smt. Parmila Devi and others

. . . Appellants

Versus

Shiv Kumar and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Devender Arya, Advocate
for the appellants.

Avneesh Jhingan, J. (Oral)

Present appeal is against the award dated 01.03.2016 passed by the Motor Accident Claims Tribunal, Narnaul (for short 'the Tribunal').

The brief facts of the case are that on 15.10.2014, Antesh Kumar was driving a motorcycle bearing registration No.HR-34D-7276 and Ramu was the pillion rider on the aforesaid motorcycle. Near village Unhani, the motorcycle was struck by a rashly and negligently driven Trala bearing registration No.HR-63B-2555. As a result of the accident, Antesh Kumar and Ramu lost their lives. FIR No.310 dated 15.10.2014 was registered at Police Station, Kanina.

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A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by widow, minor child and the parents of the deceased. The earning of the deceased was assessed by the Tribunal as Rs.4800/- per month and a sum of Rs.7,79,400/- along with interest at the rate of 9% per annum was awarded.

Present appeal has been filed by the appellants for enhancement of the compensation.

Learned counsel for the appellants contended that the Tribunal erred in assessing the monthly income of deceased as Rs.4800/-. It was proved that deceased was earning Rs.12,500/- per month by deposition of PW-6 Amarjit Singh, Secretary, Sartaj Jan Sewa Group (NGO), Mahendergarh by producing exhibits P-58 to P-61. His grievance is that no future prospects have been added and the amount awarded under the conventional heads is on the lower side.

In the present appeal there is a deposition and certain documents including salary slip showing that deceased was earning Rs.12,500/- per month. The Tribunal had not relied upon the said evidence by observing that witnesses had not produced any authority letter nor the documents produced were prepared by him.

Without expressing any opinion on merits of the case, it is deemed appropriate that the issue regarding enhancement is remitted back to the Tribunal.

Ordered accordingly.

The Tribunal will provide opportunity to both the parties to adduce fresh evidence, if so desired.

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Parties are directed to appear before the Tribunal on
30.07.2018.

[AVNEESH JHINGAN]
JUDGE

May 28, 2018
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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No

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