IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5196 of 2017 (O&M)
Date of decision: 06.08.2018.

Harpreet Kaur and others

...Appellants

Versus

Sarmita Dogra and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikram Bali, Advocate for the appellants.

Brig. B.S. Taunque, Advocate for respondent No.3.

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LISA GILL, J.

CM No.16014-CII of 2017

For the reasons mentioned in the application and argument addressed, delay of one day in filing the appeal is condoned.

Application is allowed.

FAO No.5196 of 2017

This appeal has been filed by the claimants seeking enhancement of the compensation awarded to them by Motor Accident Claims Tribunal, Panchkula (`Tribunal' for short) vide award dated 21.11.2016 on account of death of Jarnail Singh in a motor vehicle accident on 23.11.2015.

The claimants, who are the widow, mother and children of the deceased, filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of the death of Jarnail Singh in a motor vehicle accident which took place on 23.11.2015. FIR No.332 dated

23.11.2015 was registered against respondent No.2 under Section 279 and 304-A IPC at Police Station Pinjore. The learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of offending vehicle by respondent No.2.

The deceased was 42 years old at that time. The learned Tribunal while relying upon the income tax returns Ex.PW4/A of the deceased for the financial year 2014-2015/assessment year 2015-2016, assessed the income of the deceased at Rs.2,70,000/- per annum. Deduction of 1/4th was effected on account of personal expenses. After applying a multiplier of 14, total dependency was worked out in the sum of Rs.28,35,000/-. Increase of 30% was afforded on account of future prospects, i.e. a sum of Rs.8,50,000/-. Another sum of Rs.35,000/- was awarded to claimant/appellant No.1 towards funeral expenses, transportation of dead body and last rites etc. A sum of Rs.10,000/- was also awarded towards loss of consortium and appellants/claimants No.2 to 4 were awarded Rs.30,000/- towards loss of care and guidance. Thus, claimants were held entitled for total compensation of Rs.37,60,500/-.

Learned counsel for the appellants seeks enhancement of compensation on the sole ground that income of the deceased should have been assessed at a higher level, on the basis of testimony of PW3 Sanjay Bhushan, Account Officer from the office of Alliance India as well as PW6 Parshotam, Manager from the office of Jai Bhawani Company. PW3 Sanjay Bhushan deposed that the Company had paid Rs.1,80,873/- to the deceased Jarnail Singh for doing fabrication work. PW6 Parshotam deposed that during the financial year 2015-2016, they had paid Rs.8,37,533/- to the deceased for doing fabrication work. It is thus pleaded that income of the deceased has been assessed much lower than he was earning. It is thus prayed that compensation awarded by the Tribunal be enhanced.

Learned counsel for respondent No.3 submits that income of the deceased has been assessed by the learned Tribunal on the basis of income tax returns for the financial year 2014-2015 and assessment year 2015-2016, therefore, no ground for enhancement is made out.

I have heard learned counsel for the parties and have perused the file.

It is not in dispute that the learned Tribunal has assessed the income of the deceased on the basis of income tax return Ex.PW4/A. No ground is made out for assessing the income of the deceased on the basis of the statements of PW3 and PW6 wherein it is sought to be projected that income more than that declared in the income tax return was earned by the deceased.

No other argument has been raised.

Learned counsel for the appellants is unable to point out any illegality or infirmity in the impugned award. I do not find any ground whatsoever to interfere in the impugned award dated 21.11.2016.

Consequently, appeal is dismissed with no orders as to costs.

(LISA GILL)
JUDGE

August 06, 2018
Ishwar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No