

**FAO No. 2113 of 2019**

**Date of Decision: 22.11.2019**

**Sarita Devi and another**

**---Appellants**

**versus**

**Kinfed Cooperative Society and others**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Shakti Mehta, Advocate  
for the appellants**

**\*\*\***

**Rekha Mittal, J.**

The claimants are in appeal seeking enhancement of compensation on account of death of Partap in a motor vehicular accident that took place on 20.7.2017.

The Motor Accidents Claims Tribunal, Chandigarh (in short “the Tribunal”) awarded Rs. 34,53,338/-, while deciding issue No. 2.

The sole submission made by counsel for the appellants is that Tribunal has assessed income of the deceased at Rs. 25,000/- per month on the basis of testimony of Deepak Kumar, Manager of Hotel Deepak Reckong Peo, Tehsil Kalpa District Kinnaur and documentary evidence produced by him but no compensation has been allowed with regard to income of the deceased from apple orchard owned by him.

The Tribunal in the concluding line of para 21, has held that no document has been placed on record by the claimants to prove that deceased was owning apple orchard. Counsel, in response to a query, has not disputed this factual finding nor is able to point out any materials on record

that deceased owned land or was in possession of land used as apple orchard. In the given circumstances, I do not find any reason to differ with findings of the Tribunal rejecting claim of the appellants with regard to deceased having income from apple orchard.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

**(Rekha Mittal)**  
**Judge**

**22.11.2019**

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No