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

FAO No. 5171 of 2015 (O&M)
Date of Decision: 16.07.2019

Kamlesh and others

.....Appellants

Versus

Shaikh Ajmat and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Sandeep Saini, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for respondent No.3-Insurance Company.

NIRMALJIT KAUR, J. (ORAL)

CM-15966-CII-2015

Allowed, as prayed for.

FAO-5171-2015

The present appeal has been filed for enhancement of the compensation as awarded by the Motor Accident Claims Tribunal, Bhiwani (for short, the Tribunal) vide award dated 27.02.2015, on the ground that the income of the deceased was assessed on the lower side.

It is stated that the deceased was a driver but only ₹6,000/- has been taken as his salary as per minimum wages. He was a driver and hence a skilled labourer. Even on that account, the salary should have been taken at least a skilled labourer.

However, the said arguments of learned counsel for the appellants has no merit inasmuch as the driving licence of the deceased was also not produced. There is nothing on record to prove that he was a driver

and a skilled labourer. Hence, the income, which is assessed as ₹6,000/- per month by the Tribunal cannot be enhanced. The appellants have already been granted sufficient amount under the various heads. In fact, the amount granted towards loss of consortium is also on the higher side. However, this Court is not inclined to reduce the same as no counter claim has been filed by the insurance company.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

16.07.2019
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No