

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

FAO No. 2973 of 2017 (O&M)

Date of decision : January 17, 2019

Akbari and others

Versus

.....Appellants

Tahir and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Chetan Kapoor, Advocate for
Mr. Ashish Gupta, Advocate
for the appellants.

LISA GILL, J.

Present appeal has been filed by the claimants for enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Mewat (hereinafter referred to as the 'Tribunal') on account of death of Nasruddin vide award dated 11.11.2016.

Learned Tribunal concluded that Nasruddin lost his life in the motor vehicle accident which took place on 06.01.2015. The accident, it was concluded, took place due to rash and negligent driving of the offending vehicle by its driver – respondent No. 1. The deceased was claimed to be running a Beauty Parlour and Hair Dressing salon and earning ₹30,000/-. No specific evidence regarding income or the vocation of the deceased was led by the claimants. Learned Tribunal in the circumstances assessed the income of the deceased at par with an unskilled labourer in the State of Haryana, who was in receipt of about ₹5812.75 in January, 2015. Notional income was, accordingly, assessed as ₹6,000/- per month. Age of the deceased was concluded to be 62 years at the time of the accident. It was observed that as per ration card (Ex.R1), the deceased would be 57 years old

and as per voters list (Ex.R2), his age would be 67 years. As per the Post Mortem Report (Ex.P5), age of the deceased was mentioned as 48 years. Learned Tribunal held the deceased to be 62 years taking the average age as mentioned in the documents (Exs. R1 and R2).

Learned Tribunal afforded compensation to the appellants detailed as hereunder:-

<i>Sr. No.</i>	<i>Particulars</i>	<i>Amount in ₹</i>
1.	Notional Income of the deceased	6,000/-p.m. (72,000 p.a.)
2.	Deduction of 1/4 th income on account of own expenses of deceased	54,000/-
3.	Multiplier applied	7
4.	Loss of dependancy to the appellant (54,000x7)	3,78,000/-
5.	Loss of estate	1,00,000/-
6.	Loss of expectation of life of the deceased	1,00,000/-
	Loss of consortium	1,00,000/-
7.	Loss of love and affection	1,00,000/-
8.	Funeral expenses	25,000/-
	Total	8,03,000/-

Learned counsel for the appellant is unable to point any evidence on record to indicate the age of the deceased to be less than 62 years. It is rightly held by the learned Tribunal that much reliance cannot be placed upon the entry in the ration card in regard to the age of a person whereas an entry in the voters list definitely has more relevance as it relates to entitlement of a voter to cast his vote. Furthermore, there is no evidence on record to indicate the income earned by the deceased at the time of his death or even in regard to his averred vocation i.e. of running a Beauty Parlour and Hair Dressing salon. Learned Tribunal has, thus, rightly assessed the income of the deceased as ₹6000/- per month and concluded

the deceased to be 62 years old at the time of the accident.

Learned counsel for the appellant is unable to deny that there is no scope for any enhancement in the compensation awarded by the learned Tribunal.

Accordingly, this appeal is dismissed with no order as to costs.

January 17, 2019
rts

(Lisa Gill)
Judge

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