

In the High Court of Punjab and Haryana at Chandigarh

FAO- 3874 of 2018(O&M)  
Date of Decision: 24.5.2019

Smt. Sunita Devi and others

---Appellants

versus

Joginder and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. S.S.Duhan Advocate  
for the appellants

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Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Sandeep in a motor vehicular accident that took place on 2.9.2014.

The Motor Accidents Claims Tribunal, Jind (in short “the Tribunal”) awarded Rs.17,83,600/-, detailed hereunder:-

|                                            |                   |
|--------------------------------------------|-------------------|
| Monthly income of the deceased             | Rs. 8000/-        |
| Addition in income for future prospects    | 40%               |
| Deduction for personal and living expenses | 1/4 <sup>th</sup> |
| Multiplier                                 | 17                |
| Loss of dependency                         | Rs. 17,13,600/-   |
| Funeral expenses                           | Rs. 15,000/-      |
| Loss of estate                             | Rs. 15,000/-      |
| Loss of consortium to widow                | Rs. 40,000/-      |

The sole submission made by counsel for the appellants is that income of the deceased assessed by the Tribunal is on lower side and needs correction. It is argued that the claimants examined Rajesh Kumar PW4 to

prove employment and income of the deceased while working as labour supervisor in Ganga Putra Hospital, Kandela Jind. The witness produced document Ex. P2 wherein it has been recorded that the deceased was working on the post of labour supervisor since March 2012 at monthly salary of Rs. 15,000/- and salary drawn by him for the past five months since April 2014 was detailed therein. It is argued that the Tribunal has wrongly refused to rely upon testimony of Rajesh Kumar and document Ex. P2 produced by the witness while assessing income of the deceased at Rs. 8000/- per month.

Perusal of copy of statement of Rajesh Kumar would reveal that he has not produced any appointment letter of the deceased. There is no document on record with regard to payment of salary to the deceased. The witness has not produced attendance register or other records maintained by Ganga Putra Hospital, Kandela, Jind wherein Sandeep is recorded to be an employee of the said hospital. In the given circumstances, I do not find an error in findings of the Tribunal refusing to rely upon testimony of Rajesh Kumar and document Ex. P2. Income of the deceased assessed by the Tribunal is much more than the minimum wage available even to a highly skilled person at the relevant time. Other criteria adopted by the Tribunal for computing loss of dependency and conventional heads is in complete consonance with judgments of Hon'ble the Supreme Court **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298, National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270 and Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034.** That being so, I do not find any reason to interfere in assessment

made by the Tribunal.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay of 82 days in filing the appeal is of academic relevance.

(Rekha Mittal)  
Judge

24.5.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No