

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 4877 of 2018(O&M)

Date of Decision: July 08 , 2019.

Gurwinder Singh and another

..... APPELLANT (s)

Versus

Surinder Kaur and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. H.S.Deol, Advocate
for the appellants.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed by the owner and driver of the offending vehicle challenging award dated 15.03.2018 passed by the learned Motor Accident Claims Tribunal, SAS Nagar, Mohali (hereinafter referred to as, the 'Tribunal').

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as the 'Act') was filed by the respondents-claimants seeking compensation on account of the death of Tarsem Singh, aged 46 years, in a motor vehicle accident, which took place on 26.04.2017. The offending car No.PB-11-4033 being driven by appellant No.2 was not insured.

Learned Tribunal on considering the evidence on record held that the accident took place due to the rash and negligent driving of car No.PB-11-4033 by its driver (appellant No.2) and awarded a total sum of ₹11,51,992/- (rounded off to ₹11,52,000/-) to the claimants, which is detailed as hereunder:-

Income	7,500 p.m.
Future prospects @ 25%	7,500+1875 = 93,75
1/4 th deduction	7,031
Multiplicand	7032x12 = 84,384
Multiplier of 13	84,384 x 13 = 10,96,992
Loss of consortium	40,000
Funeral expenses	15,000
Total =	11,51,992

Sole ground on which the award has been challenged by the appellants is that income of the deceased has been wrongly assessed as ₹7,500/- per month. It is submitted that son of the deceased, CW2 Paramjit Singh, deposed that he himself was working as a labourer, earning about ₹6,000/- to ₹7,000/- per month. It is submitted that once the learned Tribunal has considered the deceased to be a labourer, his income should not be assessed as ₹7,500/- per month in view of the statement of CW2 Paramjit Singh. It thus prayed that the compensation awarded to the claimants be reduced.

I have heard learned counsel for the appellants and have gone through the file.

The claimants claimed the deceased to be a labour contractor. Learned Tribunal on considering the evidence on record observed that there is no evidence on record to prove that the deceased was a labour contractor and considered him to be a labourer. Learned counsel for the appellants is unable to

deny that the minimum wage of a labourer in the State of Punjab at the time of the accident i.e., March 2017 was ₹7,568/- per month.

In this view of the matter, I do not find any ground, whatsoever, to interfere in the impugned award at the instance of the appellants for reduction of the compensation awarded to the claimants.

No other argument has been raised.

Learned counsel for the appellants is unable to point out any infirmity, illegality or perversity in the impugned award dated 15.03.2018 passed by the Motor Accident Claims Tribunal, SAS Nagar, Mohali which calls for any interference by this Court.

Consequently, this appeal is dismissed with no order as to cost.

July 08 , 2019.
'om'

(LISA GILL)
JUDGE

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