

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

FAO No. 5169 of 2019(O&M)

Date of decision: 11.2.2020

Renu and othersAppellants

VERSUS

Sandeep Kumar and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Y.S. Dhaliwal, Advocate for the appellants.

REKHA MITTAL, J.(Oral)

The claimants are in appeal seeking additional compensation on account of death of Gopal Singh in a motor vehicular accident that took place on 04.08.2017.

The Motor Accidents Claims Tribunal, Panipat (in short 'the Tribunal') awarded Rs.26,40,400/- detailed hereunder:-

Monthly income of the deceased	Rs.12,000/-
Addition in income for future prospects	40%
Deduction for personal expenses	1/4 th
Multiplier	17
Loss of dependency	Rs.25,70,400/-
Loss of consortium to widow	Rs.40,000/-
Loss to estate	Rs.15,000/-
Funeral expenses	Rs.15,000/-

The plea of claimants is that deceased was working as office incharge with Apex Worldwide Courier Company, Shop No.13, Tau Devi Lal Complex, Panipat at salary of Rs.15,000/- per month. They examined Amit Goel PW-4 proprietor of Apex Worldwide Courier Company and he produced salary certificate Ex.PW4/A. The Tribunal has noticed that the witness did not produce any other documentary evidence viz joining letter, attendance register, salary register or statement of account to prove that deceased was working as an employee with the aforesaid concern. On the contrary, the Tribunal has assessed his income at a rate higher than minimum wage available at the relevant time. In the given circumstances, there is no justification for allowing additional compensation by enhancing income of the deceased. Other criteria adopted by the Tribunal for computing loss of dependency and compensation under conventional heads is correct and affirmed. In this view of the matter, there is no scope for allowing additional compensation.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

FEBRUARY 11, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no