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

-.-

**FAO-1151-2020 (O&M)
Date of Decision : 04.07.2022**

Saroj and Another

...Appellants

versus

Gurbaj Singh and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajiv Kumar Saini, Advocate for the appellants.

ALKA SARIN, J. (Oral)

This is a claimants appeal challenging the award dated 01.10.2019 passed by the Motor Accidents Claim Tribunal, Karnal (hereinafter referred to as the Tribunal).

The brief facts relevant to the present case are that the claimants i.e. mother and widow of the deceased filed the claim petition on the ground of death of Dharam Pal in a vehicular accident on 07.02.2019. It was the case set up that on 07.02.2019 at about 7.30 PM, Ramesh Kumar, brother of Dharam Pal (since deceased), was standing at the shop of one Ishwar Jeweller near bus stand village Baragaon. In the meantime when the deceased Dharam Pal was coming towards his house, a Dumper being driven in a rash and negligent manner, came from the opposite side at a fast speed and struck against Dharam Pal. Due to the impact Dharam Pal fell down and the Dumper ran over him due to which the deceased received several injuries and eventually succumbed to the same.

Respondent Nos.1 and 2 i.e. the driver and the owner filed their joint written statement. A separate written statement was filed by the respondent No.3-Insurance Company.

On the basis of the pleadings of the parties, following issues were framed :

1. Whether the accident took place on account of rash and negligent driving of the vehicle bearing registration No.PB-11CF-9150 by respondent No.1 resulting into death of Dharampal, as alleged ? OPP
2. If issue No.1 is proved, whether the claimants are entitled to any compensation and if so to what amount and from whom ? OPPs
3. Whether the vehicle in question was being driven in contravention of terms and conditions of insurance policy ? OPR3
4. Relief.

The Tribunal, on the basis of the pleadings of the parties and the evidence, awarded an amount of Rs.18,33,120/- along with 7% interest per annum from the date of filing of the claim petition till realization. Aggrieved by the said award, the present appeal has been preferred by the claimants.

Learned counsel for the appellants would contend that the income of the deceased was about Rs.15,000/- per month as he was employed as a supervisor on the Farm House of Pardeep s/o Randhir

resident of Village Baragaon and hence the income has wrongly been assessed by the Tribunal.

Heard.

In the present case besides the oral testimony of Ramesh Kumar (PW-2) there was no cogent evidence led to prove the salary of the deceased. The Tribunal assessed the income of the deceased as Rs.9000/- per month on the basis of the minimum wages of an unskilled labourer. The argument of the learned counsel for the appellants that the deceased was earning an amount of Rs.15,000/- per month cannot be accepted in view of the fact that there is no documentary evidence in support of the same.

In view of the above, I do not find any illegality or infirmity in the award passed by the Tribunal.

The appeal is accordingly dismissed. Pending applications, if any, also stand disposed off.

July 04, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO