

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.212

Case No. : FAO No. 5519 of 2005 (O&M)

Date of Decision : July 03, 2023

Pepsu Road Transport Corporation,
Patiala

.... Appellant

vs.

Naresh Kumar Jain and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Balwinder Singh, Advocate
for the appellant.

* * *

GURBIR SINGH, J. :

1. This appeal has been filed by the owner of the offending bus against the Award dated 15.09.2005, passed by Motor Accident Claims Tribunal, Bathinda (for short – the Tribunal), in favour of the claimants and against the driver and owner of the offending vehicle i.e. Bus No.PB-11-9183.

2. Learned counsel for the appellant has argued that the learned Tribunal has assessed the salary of the deceased as Rs.3,000/- per month along with incentive and conveyance allowance, whereas as per the Salary Certificate (Ex.P-5), the salary of the deceased was Rs.2713/- per month, as was paid for the months of April and May, 2004. It has further been argued that the learned Tribunal has wrongly assessed the monthly salary of the deceased to be Rs.3,000/- per month.

3. I have heard the submissions made by learned counsel for the

4. The appellant has not challenged the findings on issue no.1 regarding the accident in question. He has only challenged the monthly income of Deepak Kumar Jain (since deceased). Para No.16 of the impugned Award is as under :-

“(16) Sh. Deepak Kumar Jain was a qualified engineer. He was a brilliant boy and there were ample opportunities of his success in life. He was a Production Engineer. He was aged about 29 years at the time of his death. There was every scope of enhancement of his income in the near future. Thus, keeping in view the entire circumstances, this Tribunal assessed monthly income of Sh. Deepak Kumar Jain as Rs.3,000/- and annual income of Rs.36,000/-.”

5. The learned Tribunal has not assessed the monthly salary of the deceased but has assessed his monthly income as Rs.3,000/-, keeping in view that the deceased was a brilliant boy and was having ample opportunities of his success in the life. He was Production Engineer and there was every scope of enhancement of his income in near future.

6. The learned Tribunal also took into consideration that the deceased had passed Matriculation examination in first division, as per the Certificate annexed as Ex.P-14 and had also passed the Graduated Aptitude Test in Engineering (GATE) by securing 95.77% marks.

7. Keeping in view the facts that Deepak Kumar Jain (since deceased) was an Engineering Graduate and had a bright future, the learned Tribunal had rightly assessed his monthly income to be Rs.3,000/- since there was no bar for him to do some work even during holidays as he was a

qualified engineer.

8. Accordingly, keeping in view the peculiar circumstances of the case, no ground is made out to interfere in the Award passed by learned Tribunal. The present appeal is without any merit and is accordingly dismissed with no order as to costs.

9. Pending applications, if any, shall stand disposed of along with this judgment.

July 03, 2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.