

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

FAO 4163/2022 (O&M)

Date of decision: 23.01.2023

Kulwinder Kaur and another

.....Appellants

Vs.

Bhupinder Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rupender Singh Rana, Advocate for the appellants.

Nidhi Gupta, J.

CM 12669-CII/2022

Since there is delay of 55 days in filing the present appeal, aforesaid application has been filed seeking condonation of said delay. The application is supported by an affidavit of the Ravinder Singh-appellant no.2.

For the reasons stated in the application, the application is allowed and delay in filing the appeal is condoned.

Main Appeal.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.16,63,444/- granted by the Motor Accident Claims Tribunal (hereinafter referred to as the Tribunal) in MACT CNR No. PBSA01-005648-2020 vide Award dated 11.2.2022 in a petition u/s166 of the Motor Vehicles Act.

Appellants/ claimants are the parents of the deceased Jagdeep

Singh who died in a motor vehicular accident that took place on 2.10.2020 due

to the rash and negligent driving of the vehicle bearing registration number PB-27-F-5539 (hereinafter referred to as 'the offending vehicle'), being driven by respondent No. 1/driver and owner of the offending vehicle.

The only contention raised by the learned counsel for the appellants is that the learned Tribunal is in error in taking the income of the deceased as Rs.10,000/- per month, whereas the deceased was holding a Vocation Certificate and therefore, his income should have been taken as Rs.25,000/- per month.

No other argument has been advanced by the Ld. Counsel.

In this regard the findings of the Tribunal are contained in para 19 of the impugned Award, which reads as under: -

"19. Now, coming to the avocation of the deceased. As per the claim of the claimants, deceased was student of 10+2 class and was diploma holder for repairing the motor pumps and earning Rs.25,000/- per month from the profession. But on the basis of mere statement, nature of avocation and his income, as such, cannot be held. However, the claimants have brought on record Ex.P8 showing that certificate was awarded to Jagdeep Singh for completion of vocational skill building programme on pumps and motor repair by ICICI Academy of skills, when he undergone Training from 25.7.2019 to 19.10.2019. The learned counsel for the respondents would argue that there are no particulars regarding parentage of the deceased and same is false and fabricated documents. In cross examination PW-1 has admitted that his son had been repairing the pumps on the calls received from the customers in different areas He further admitted that he has no document to show that his son was working as a mechanic. At the same time, it is not disputed that the deceased was an able

bodied person, having ability to earn. In this backdrop and taking into consideration the avocation of the deceased is taken as semi skilled worker and accordingly, this Court deems it fit to assess the income of deceased as Rs.10000/- per month, which a person can earn even by doing semi skilled work, nowadays”.

Learned counsel for the appellants is unable to dispute the above findings, or even now, show anything to this Court in support of his assertion that the deceased was earning Rs.25,000/- per month.

Accordingly, I find no ground to interfere with the impugned Award.

Dismissed.

(Nidhi Gupta)
Judge

23.01.2023
Joshi

Whether speaking/reasoned	Yes
Whether reportable	Yes/No