

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CM-22547-CII-2013 in/&
FAO-5286-2013 (O&M)
Date of Decision :22.05.2023

Pepsu Road Transport Corporation, Bathinda

..Appellant

Versus

Nirmala Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aman Sharma, Advocate for the appellant-Corporation.

Mr. Vinay Kumar Arya, Advocate for

Mr. Sandeep Goyat, Advocate for respondents No.1 to 4.

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Harsimran Singh Sethi, J. (Oral)

Present appeal has been filed by the appellant-Corporation challenging the award dated 13.05.2013 of the Motor Accident Claims Tribunal, Hisar by which, the claim in respect of the death of Anil Kumar has been allowed in favour of the claimants.

Learned counsel for the appellant-Corporation argues that though, it has already come on record that deceased-Anil Kumar was employed as Computer Operator in the police department and his salary has been assessed @ Rs.20,067/- per month keeping in view his pay certificate but deduction towards the personal expenses which was required to be done, has not been made by the tribunal in accordance with law.

Learned counsel for the appellant-Corporation further submits that the father of the deceased, who is aged about 66 years and his son, who

is also 21 years of age cannot be treated as dependent upon the deceased-Anil Kumar.

I have heard learned counsel for the appellant.

On being asked as to what is the basis of challenging the dependency of the son and the father of the deceased, learned counsel for the appellant-Corporation submits that they are major in age hence, cannot be treated as dependent upon deceased.

It may be noticed that the dependency is to be seen keeping in view the income of the claimants. Nothing has been pointed out to this Court that major son of the deceased as well as father of the deceased are gainfully employed so as to accept the claim of the appellant that they cannot be treated dependent upon deceased-Anil Kumar. Rather no question was even put to the claimants about their gainful employment before the tribunal.

In the absence of any evidence on record to prove that any of the claimant including the father and major son were gainfully employed at the time of accident so as to oust them from the zone of consideration, findings recorded by the tribunal cannot be treated to be perverse hence, no interference in the award dated 13.05.2013 is called for by this Court and the appeal is accordingly dismissed.

CM-22547-CII-2013

Application is also dismissed.

May 22, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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