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

FAO-2342-2024 (O&M)

Date of Decision : 10.09.2024

Amritpal Singh & Anr

... Appellant(s)

Versus

Parkash Kaur & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Madan Lal Saini, Advocate for
Mr. Navinder Jit Singh Dandiwal, Advocate for the appellants.

ALKA SARIN, J. (Oral)

CM-8776-CII-2024

1. This is an application for condonation of delay of 202 days in filing the appeal.

2. For the reasons stated in the application, delay of 202 days in filing the appeal is condoned. CM stands disposed off.

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3. The present appeal has been preferred by the appellants (driver and owner of the offending vehicle) challenging the award dated 15.07.2023 passed by the Motor Accident Claims Tribunal, Moga (hereinafter referred to as the 'Tribunal').

4. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

5. Learned counsel for the appellants would contend that the income of the deceased has wrongly been assessed as Rs.10,870/- per month

treating the deceased as a skilled labourer. The learned counsel would further contend that there is no evidence on the record from which it could be ascertained that the deceased was a skilled labourer. The learned counsel would further contend that the documents which were produced on the record were only the photocopies and hence no reliance could have been placed on the same.

6. I have heard the learned counsel for the appellants.

7. In the present case, CW4, widow of the deceased, had stepped into the witness-box and had tendered in evidence copies of the diploma of the deceased in Medical Laboratory Technology and DMLT and proved the same as Ex.C13 and Ex.C14, respectively. She has further stated that the deceased was working as Lab Technician at Virk Medical Store and was earning Rs.50,000/- per month. However, since no salary certificate was produced, on the basis of the documents on the record i.e. Ex.C13 copy of the diploma in Medical Laboratory Technology which showed that the deceased had completed DMLT diploma in Medical Laboratory Technology in the year 2009-10 and Ex.C14 where the deceased was declared qualified for the award of diploma in Medical Laboratory Technology one year course which was held in April 2010, the deceased was treated as a skilled labourer. The argument of the learned counsel for the appellants that only photocopies were produced and the same were not in accordance with law deserves to be rejected inasmuch as no objection was raised qua the tendering of the documents in evidence. Further still, there is no reason to disbelieve the documents in the absence of any evidence to the contrary.

8. In view of the above, I do not find any merit in the present appeal which is accordingly dismissed. Pending applications, if any, also stand disposed off.

10.09.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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