IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

294 **FAO-7167-2017 (O&M)**
Date of Decision : 04.12.2024

SUDESH & ANR .... Appellants

VERSUS

RAJU & ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mohan Singla, Advocate for the appellants.

Mr. Munish Kumar Garg, Advocate and
Mr. Tanuj Goyal Tohana, Advocate for respondents No.1 and 2.

Mr. Abhinav Singla, Advocate for
Mr. Amit Goyal, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants challenging the award dated 17.05.2016 passed by the Motor Accident Claims Tribunal, Fatehabad (hereinafter referred to as 'the Tribunal'). The claimant-appellants are aggrieved by the quantum of the compensation so awarded by the Tribunal.

2. The Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹6,000
2.	Annual income	[₹6,000 x 12] = ₹72,000
3.	Deduction (1/2)	[₹72,000 - ₹36,000] = ₹36,000
4.	Future prospects 50%	[₹36,000 + ₹18,000] = ₹54,000
5.	Multiplier of '18'	[₹54,000 x 18] = ₹9,72,000
6.	Funeral expenses	₹28,000
7.	Loss of love and affection	₹1,00,000
8.	**Total Compensation**	₹11,00,000
	Interest	@ 7.5% per annum

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order/judgment

3. The only argument raised by the learned counsel for the claimant-appellants is that the income as assessed by the Tribunal is on the lower side. Learned counsel for the claimant-appellants would contend that the deceased was working as a mason and was also earning by selling milk and hence it is the contention of the learned counsel that the income assessed as ₹6,000 per month is on the lower side.

4. *Per contra*, learned counsel for the respondents would contend that the income has rightly been assessed inasmuch as there was no evidence on the record to even remotely suggest that the deceased was working as a mason and was also running a milk dairy.

5. Heard.

6. In the present case no evidence was led by the claimant-appellants except the statement of the father of the deceased that the deceased was working as a mason and was also earning by selling milk. In the absence of any evidence on the record, the income of the deceased has rightly been assessed by the Tribunal. The amounts awarded under the other heads have not been challenged.

7. In view of the above, no fault can be found with the award passed by the Tribunal concerned. The present appeal, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

04.12.2024 **(ALKA SARIN)**
Aman Jain **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No

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