



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

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FAO-4229-2023 (O&M)
Date of decision:19.01.2026

Harpreet Kaur and Another

...Appellants

Versus

Harpal Singh and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Janak Singh Bhinder, Advocate
for appellant.

Mr. Lalit Garg, Advocate
for respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)**CM-13931-CII-2023**

Application under Section 5 of the Limitation Act, 1963 for condonation of delay of 235 days in filing the appeal is allowed for the reasons stated in the application.

Delay is condoned.

Application is disposed of.

MAIN CASE

Appellants have preferred present appeal seeking enhancement of compensation granted vide impugned award dated 08.08.2022 passed by Motor Accident Claims Tribunal, Barnala, (hereinafter referred to as 'Tribunal') whereby appellants have been held entitled to total compensation of Rs.20,24,932/- on account of death of deceased, Sh. Kulwinder Singh.



died in motor vehicular accident dated 27.12.2020 due to rash and negligent driving by respondent No.1-driver of offending bus bearing registration No.PB13AL9907. It was asserted that deceased was in business of water filter repair shop and was earning Rs.45,000/- per month. Learned Tribunal took monthly income of deceased equivalent to minimum wages payable to an unskilled worker and determined monthly income of deceased as Rs.10,000/- per month. There is no issue with regards to applicability of multiplier, deduction on ground of personal expenses and addition of 40% towards future prospects granted to appellants. The sole challenge in present appeal is as regards to income of deceased taken by learned Tribunal.

3. Learned counsel for appellants has argued that learned Tribunal has erred in taking income of deceased equivalent to unskilled worker. Learned Tribunal ought to have considered deceased to be a skilled person. On the other hand, learned counsel for Insurance Company has argued that unskilled worker in the year 2020 was getting Rs.9193/- per month and learned Tribunal has already taken higher income than unskilled worker to be Rs.10,000/- per month.

4. On consideration, I do not find any error in the approach of learned Tribunal. In present case, except for oral assertions, there is no material to conclude that deceased was earning Rs.45,000/- per month by running a water filter repair shop. The oral assertions have gone uncorroborated and has rightly been not taken into consideration by learned Tribunal. Onus to prove income of deceased was upon appellants which they had failed to discharge in absence of any cogent evident regarding income and



vocation. Tribunal has rightly taken minimum income of an unskilled worker as income of deceased. No vocation certificate or any registration or any documentary evidence to show that deceased was running water filtration repair shop has been placed on record. Therefore, no interference with the award can be made.

- 5. Appeal is without any merit hence dismissed.
- 6. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

19.01.2026
Sunil Chander

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