

(2006) 12 P&H CK 0081

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Om Prakash

APPELLANT

Vs

Savita Rani and Others

RESPONDENT

Date of Decision: Dec. 12, 2006

Citation: (2007) 2 ACC 243

Hon'ble Judges: Vinod K.Sharma, J; Uma Nath Singh, J

Bench: Division Bench

Judgement

Uma Nath Singh, J.

This F.A.O arises out of an Award dated 1.8.2006 passed by learned presiding Officer, Motor Accident Claims Tribunal (hereinafter referred to as "the Tribunal"), Sangrur, in M.A.C.T. Case No. 54 dated 20.10.2004 awarding a sum of Rs. 5,00,000 (Rupees five lakh) with 6 per cent interest per annum in a death case of a young man of 32 years said to be engaged in running a Karyana Shop apart from working as a part-time accountant with some business establishment.

2. Learned Counsel for the owner-appellant has assailed the impugned Award only on the ground of quantum being higher. According to the learned Counsel, the assessment of dependency appears to be faulty and contrary to the findings of the Tribunal. That apart, he has no other point to urge.

3. We have carefully gone through the averments made in the appeal and also perused the Award.

4. In para 13 of the Award, an endeavour has been made on behalf of the claimants to prove that the deceased was earning an income of Rs. 14,400 (Rupees fourteen thousand and four hundred) from all his sources on the date of accident. The claimants have placed two salary certificates to the tune of Rs. 4,400 (Rupees four thousand and four hundred) on record, and the witnesses who appeared before the Tribunal are said to have admitted the issuance of the certificates. Thus, the factum of accident is proved by the preponderance of evidence on record, including an eye

witness account of Pawan Kumar apart from the documentary evidence. The Tribunal has taken a reasonable view in the assessment of compensation and it cannot be said that the dependency has been assessed without a valid ground. The deceased was survived by his widow, three minor children and a widowed mother. Despite the dependents being five, 1/3rd amount of earning of the deceased has been deducted towards his personal expenses.

5. Hence, we do not find any merit in the F.A.O. which is dismissed in limin.