



205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-4904-2008 (O&M)

Date of decision :15.05.2025

Master Nishant (minor) &ors.

....Appellants

Versus

Ashok &ors

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Randhir S. Hooda, Advocate
for the appellants (through V.C.).

Mr. Vinod Chaudhari, Advocate
for respondent No.3.

Mr. Ankur Gupta, Advocate
for respondent No.4 (through V.C.).

PANKAJ JAIN, J.(ORAL)

1 Claimants are aggrieved of compensation assessed by the Tribunal in petition filed under Section 166 of the Motor Vehicles Act, 1988.

2 The claimants are seeking compensation on account of death of Sita Ram who died in a motor vehicular accident due to rash and negligent driving of respondent No.3 at the age of 39 years. Claimants in order to prove monthly income of the deceased brought on record his salary slip Ex.P14 to show that the deceased who retired from BSF was employed as Field Supervisor in Dronacharya College of Engineering, Gurgaon. As per the same the deceased was getting salary of Rs.10,350/-. The Tribunal disbelieved the same holding that it is matter of surprise that his basic salary was increased from Rs.5000/- to Rs.6000/- from 01.03.2007 i.e. before



completing one year service. Tribunal further found that in order to show increase in the salary of the deceased his EPF contribution was increased proportionately to the increase in his salary. In the considered opinion of this Court this reason assigned by the Tribunal cannot hold good for disbelieving salary certificate which was proved on record by examining S.K.Yadav, PW7, the Administrator Dronacharya College of Engineering, Khentawas, Gurgaon. Trite it is that strict principles of evidence are not applicable in the proceedings before MACT. Thus finding no reason to disbelieve the salary certificate of the deceased, his income is assessed as Rs.10,350/-. Nothing has been awarded on account of future prospects. Keeping in view the age of the deceased 40% of the future prospects are awarded. Multiplier of 15 has been rightly applied. 1/3rd deduction has been rightly applied keeping in view the number of claimants. Each of the claimants is held entitled to an amount of Rs.48,000/- on account of loss of consortium. Rs.18,000/- are awarded for loss of estate. Rs.18,000/- are awarded for funeral expenses.

3 The claimants shall also be entitled for interest @6% per annum from the date of filing of the claim petition till the date of actual realization.

4 With the aforesaid modification the appeal is disposed off.

5 Pending miscellaneous application, if any, also stands disposed off.

15.05.2025

Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No