



deceased) were coming at about 01:30 P.M. on motor-cycle bearing registration No. HR16Q-6021 CD-100. Dheeraj was driving the motor-cycle, motor-cycle of the complainant was standing at Jhajjar from many days, complainant told that mostly he need the motor-cycle. Complainant was also coming on motor-cycle bearing registration no. HR-16V-7093 behind Dheeraj and he 100 Meters behind from the motor-cycle of deceased. When at about 03:00 P.M. when they reached near Jahangirpur bus stand meanwhile a Tractor-Dumper bearing registration No HR-13J-4357 (here-in-after referred to as the offending vehicle) came at a very high speed in a rash and negligent manner, being driven by respondent no. 1 and struck into the motorcycle of deceased and thus caused the accident and deceased received grievous and multiple injuries. The Tractor driver fled away from the spot. The Injured (Dheeraj) was taken to Civil Hospital, Jhajjar, where he was declared dead by the doctors. The accident was caused solely due to rash and negligent driving by respondent No.1 driver of the offending vehicle. Postmortem on the dead body of the deceased was conducted vide PMR no. PMR/GC/136/CHC Loharu/2020 dated 15.06.2020. On the statement of Parveen an FIR no. 123 Dated 15.06.2020 under Sections 279/304-A IPC, Police Station Badli, Jhajjar was registered against respondent no.1. The deceased was 25 years of age and was serving in Rivigo Company Gurugram, Haryana and getting salary of 20,000/- per month. An amount of 1,00,000/- was incurred on account of transportation of dead body and funeral and other expenses. Now, through this claim petition, the claimant has claimed a compensation of ₹1,00,00,000 (Rs. One crore) along with 18% interest per annum as just compensation on account



of death of Dheeraj.

3. Upon notice of the claim petition, appellant appeared and contested the claim petition by filing written reply denying the factum of compensation/accident.

4. From the pleadings of the parties, the Tribunal framed the following issues:-

1. Whether the accident in question took place on 15.06.2020 at about 03.00 PM, in the area of near Jahagirpur, bus stand, District Jhajjar falling within jurisdiction of Police Station Badli District Jhajjar, due to rash and negligent driving of Tractor bearing registration No. HR-13J-4357 by respondent No.1 Ashok alias Shoki son of Ram Kumar, resulting into the death of Dheeraj son of Jai Bhagwan, as alleged? OPP

2. If issue no.1 is proved, whether the petitioner is entitled for compensation, if so to what amount and from whom? OPP.

3. Whether respondent No.1 was not having valid and effective driving licence at the time of accident? OPR

4. Whether the offending vehicle was being driven in violation of the terms and conditions of the insurance policy at the time of accident? OPR-3

5. Relief.

5. Thereafter, both the parties adduced their respective evidence in support of their respective pleadings.

6. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimants. Further, the Ld. Tribunal held the appellant liable to pay the compensation. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES

7. Learned counsel for the appellant/Insurance company contends that the learned Tribunal has wrongly taken the salary of deceased while



calculating compensation. Therefore, he prays that the present appeal be allowed and award dated 12.11.2024 be set aside.

8. I have heard learned counsel for the parties and perused the whole record of the case.

9. The relevant portion of the award is reproduced as under:-

“In the claim petition, claimant mother of Dheeraj since deceased averred that he was getting salary of 20,000/- per month and his employer was Rivigo company, Gurugram. In her affidavit Ex. PW1/A tendered in examination-in-chief she deposed on the same line. In her cross-examination she deposed that her son was working in Argo company at Gurugram and was earning 35,000/- per month, however, she did not bring any record regarding his salary of 35,000/- per month. She further deposed on her own that her son was working in Rivigo company. The claimant has also examined PW4 Pardeep Singh, Proprietor of Baba. Facilities, village Neola, Jhajjar, who has brought the summoned record of selection of Dheeraj on dated 1" November, 2019. He has also produced the selection letter Ex. PW4/A as Operation Executive and his pay slips as Ex. PW4/B to Ex. PW4/I. The perusal of pay slips as Ex. PW4/B to Ex. PW4/H i.e. for the period from November, 2019 to May, 2020 showing net salary of 18,000/-. The salary of 15 days for the month of June, 2020 is 8,698/- as per Ex. PW4/1. As per Ex. PW4/J salary statement of Dheeraj having PF No. Insurance No. Co-relates with the



salary slips. GST Registration certificate having GSTIN No. 06BJOPP0848K1ZP of Baba Facilities is Ex.PW4/K. As per Mark P2 which is curriculum vitae of Dheeraj, as per which he was working as operations associates in Rivigo services Private Ltd. Since 23.08.2017 and the pay slip for April, 2018 shows that his gross earnings was 17,920/- and gross deduction 1,453/- in the shape of provident fund, employee state insurance and labour welfare fund. As per Ex. P1 Mahendra Logistics has acquired the business of Rivigo Services Private Ltd. As per the Bank passbook of Dheeraj savings account no. 917010073819060 customer ID 877310843 of Axis Bank there is an entries dated 01.12.2018 and 01.01.2019 from Rivigo to the tune of 14,673/- each. Entry dated 01.02.2019 from Rivigo to the tune of 17,259/-, Entry dated 01.03.2019 from Rivigo to the tune of 18,039/-, Entry dated 01.04.2019 from Rivigo to the tune of 32,679/-, Entry dated 01.05.2019 from Rivigo to the tune of 17,030/-, Entry dated 01.06.2019 from Rivigo to the tune of 10,430/-, Entry dated 01.07.2019 from Rivigo to the tune of 23,633/-, Entry dated 01.08.2019 from Rivigo to the tune of 17,396/- Therefore, it appears that earlier deceased was working in Rivigo company and after November, 2019 he shifted his job to Baba Facilities. In view of the above discussions, the earning of deceased is assessed 18,000/- per month.”

10. A perusal of the impugned award reveals that the contention



raised by the learned counsel for the appellant/insurance company that the learned Tribunal erred in assessing the monthly income of the deceased is without substance and does not warrant any interference

11. The Ld. Tribunal has thoroughly examined the oral and documentary evidence placed on record, including the testimony of PW4 (Proprietor of Baba Facilities), the salary slips (Ex. PW4/B to Ex. PW4/H), the salary statement (Ex. PW4/J), the GST registration certificate of the employer (Ex. PW4/K), and other corroborative documents such as Ex. P1, which reflects the business acquisition of Rivigo Services Pvt. Ltd. by Mahendra Logistics.

12. In view of the above discussion, this Court does not find any error in the Ld. Tribunal approach. The Ld. Tribunal rightly relied upon the official salary records furnished by the employer, which constitute the best evidence of income. The monthly income of the deceased has, therefore, been correctly assessed at ₹18,000/-.

13. The findings of the learned Tribunal are based on sound appreciation of evidence and established principles of law, particularly in determining income for computation of compensation under the Motor Vehicles Act, 1988. No perversity, illegality, or error is found that would justify interference under appellate jurisdiction.

14. Accordingly, this Court finds no merit in the appeal, and the same is dismissed. Thus, the award dated 12.11.2024 is hereby upheld.

23.07.2025

Yogesh

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No