

(2014) 05 P&H CK 0287
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 2096 of 2000

Smt. Salindero and Others	Vs	APPELLANT
Jaswinder Singh and Others		RESPONDENT

Date of Decision : 27-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0287

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Sandeep Lather, Advocate for Mr. Shish Pal Laler, Advocate for the Appellant; Neeraj Khanna, Advocate for the Insurance Company, Advocate for the Respondent

Final Decision : Partly Allowed

Judgement

K. Kannan, J.—The appeal is for enhancement of compensation for death of a male aged 32 years in an accident that took place on 04.06.1998. He was said to have been engaged in agricultural work and also running an electrical shop. The claimants were widow, two minor sons and the mother. They claimed compensation stating the deceased was earning about ? 8,000/- per month. The Tribunal assessed a compensation of ? 2,97,000/-.

2. Although it was contended that the deceased was running an electric shop in the name of style of Punjab Auto Electric at Kurukshetra and two persons PW2 and PW3 had given evidence to the effect that they were his customers, the Tribunal was not satisfied, for they were unable to provide any documentary proof of the work entrusted or the amount paid. It is too difficult to elicit such documentary proof but I would take the very same income as taken by the Tribunal but however, provide for prospect of increase at 50% and rework the compensation and tabulate the same as under:-

3. The total compensation payable shall be Rs. 6,57,000/-. The additional amount over what has already been provided by the Tribunal shall also attract

interest @7.5% from the date of petition till the date of payment. The entitlement shall be distributed amongst the widow, minor children and mother in the ratio of 2:2:2:1. The right of enforcement of the award shall also be available against the insurance company.

4. The award stands modified and the appeal is allowed to the above extent.