

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

FAO No. 5604 of 2014 (O&M)

Date of decision: 26.04.2016

Dayawati and another ... Appellants.
versus
Sanjay Kumar and another Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashwani Arora, Advocate for the appellants.
Mr. Anuj Kumar Sharma, Advocate for respondent No.1.

K.Kannan, J. (ORAL)

The appeal is at the instance of the claimant seeking for enhancement of claim for compensation, for death of a male aged 28 years in an accident that took place on 29.05.2012. The claimants were parents. The Tribunal took the income at Rs. 5,000/- provided for a prospect of increase at 50%, apply the multiplier of 17 and made provision for loss of love of affection and funeral expenses and loss to estate and assessed Rs. 8,00,000/- as compensation. The grievance is that the minimum wage was Rs. 6, 398/- at the relevant point of time and further prospect of increase made. If this is the only objection that has to be taken in the appeal, I decline to make an inference in the appeal, for, minimum wage may not at all times understood as making possible a continuing employment for all the 365 days at the same range. If the Tribunal was, therefore, taking Rs. 5,000/- at an average and made a provision of Rs. 25,000/- for prospect of increase, it was literally taking average income at Rs. 7,500/-, and has assessed the compensation. In my reckoning, the assessment is a fair compensation payable and would require no intervention.

The award is maintained and the appeal is dismissed.

26.04.2016

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**(K.KANNAN)
JUDGE**