

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 932 of 2016 (O&M)

Date of decision: 10.05.2016

Harpinder Kaur and others

... Appellants

versus

Lakhbir Singh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashit Malik, Advocate for the appellants.

K.Kannan, J. (ORAL)

The appeal for enhancement is sought on the ground that the deceased was a *Granthi* and the income has not been properly considered the Tribunal has not considered the evidence regarding the income Tribunal has taken the income at Rs. 10, 530/- after making provision for 30% increase on notional income of Rs. 8,100/-. In my view, the provision for prospect of increase as contemplated in Rajesh and others Vs. Rajbir Singh and others 2013 (3) RCR (Civil) 170 will arise only in a situation where a definite source of income is set out and established. If the Court was invoking the benefit of minimum wages for lack of proof of income, there is no scope for prospect of further increase. If the Tribunal was, therefore, taking the average income @ Rs. 85, 400/- in a situation where according to the Tribunal there was no established proof of income as *Granthi*, I will reckon the provision already made as adequate and cannot be a grievance for the appeal.

The Court has provided for loss of love and affection and the counsel argues that for each of the children it must be Rs. 1,00,000/-. There is no consistent approach in this aspect even by the decisions of the Hon'ble Supreme Court, for, in Reshma Kumari and

others Vs. Madan Mohan and another (2013-2) 170 PLR 750 (SC), the Court was allowing for loss of love and affection for all children and parents at Rs. 1,00,000/-. Love and affection which is a non-pecuniary head is awarded at higher sums only through some of the recent pronouncements and if the Court has given the justification through 3-Member Bench of the Hon'ble Supreme Court, I will find no scope for interference only in this regard.

The award already passed is sustained and the appeal is dismissed.

(K.KANNAN)
JUDGE

10.05.2016
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