

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4744 of 2014 (O&M)

Date of Decision:13.12.2017.

Smt. Shamphool and others

.....Appellants

Versus

Jaipal and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Amandeep Kaur, Advocate for
Mr. Ashwani Arora, Advocate
for the appellants.

Mr. T.S. Grewal, Advocate
for respondent No.1.

Mr. Ajay Singla, Advocate
for respondent No.2-Insurance Company.

AVNEESH JHINGAN, J.

The present appeal is against the award dated 28.2.2014 passed by the Motor Accidents Claims Tribunal, Chandigarh (for short 'the Tribunal').

In a motor vehicular accident which occurred on 22.3.2012 involving Canter bearing registration No.HR-26-GA-0304 (for short 'the offending vehicle'), Samuel lost his life. The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by legal heirs of the deceased. The Tribunal awarded a sum of Rs.10,52,500/- alongwith interest at the rate of 7.5% per annum.

In the claim petition, it was claimed that the deceased was working as a Mason and the Tribunal assessed his income as that of a skilled labourer and calculated the loss of dependency by assessing his

income as Rs.6000/- per month and thereafter awarded 30% as future prospects.

Learned counsel for the appellants has not disputed the multiplier applied or the deduction made for self expenses. She has also not been able to dispute the amount of Rs.70,000/- awarded under the conventional heads. Since, the claimants failed to establish the monthly earning of the deceased and the same was assessed as per the minimum wages prevalent at the time of accident, there is no scope of enhancing the monthly earning.

In view of the decision of Hon'ble the Apex Court in **National Insurance Company Limited Versus Pranay Sethi and others Special Leave Petition (Civil) No. 25590 of 2014 decided on 31.10.2017**, no enhancement can be made in future prospects or under the conventional heads.

In the circumstances mentioned above, there is no scope for enhancement of the amount awarded by the Tribunal.

The appeal, being bereft of any merit, is hereby dismissed.

13.12.2017

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No