IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2868 of 2015 (O&M)
Date of decision: 28.02.2018

Smt. Rakesh and others ... Appellants

Versus

Ravinder and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Kr. Vikas P. Singh, Advocate
for the appellants.

****

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Dharambir in a motor vehicular accident that took place on 15.03.2014.

The Tribunal has awarded compensation of Rs.11,33,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5600/-
2. Addition in income for future prospects	50%
3. Multiplier	15
4. Deduction for personal expenses	1/3rd
5. Loss of dependency	Rs.10,08,000/-
6. Loss of consortium	Rs.1,00,000/-
7. Loss of estate and funeral expenses	Rs.25,000/-

Counsel for the appellants would urge that income of the deceased assessed by the Tribunal is on lower side and needs enhancement.

To bring home his contention, it is argued that Sher Singh PW3 has deposed that deceased was driving a Pick up dala and he was paying him salary of Rs.20,000/-. It is argued that deceased was having 1½ acres of land and used to earn Rs.1.5 lakh per annum from agricultural work.

Indisputably, testimony of Sher Singh PW3 with regard to salary of the deceased does not find corroboration from any documentary evidence. There is no material on record with regard to financial status of Sher Singh in order to accept his testimony that he was paying Rs.20,000/- per month to the deceased. The claimants did not produce any document with regard to ownership of land by deceased Dharambir. This apart, income from 1½ acres of land cannot be Rs.1.5 lakh per annum. Under the circumstances, the Tribunal has rightly assessed income of the deceased by taking into consideration the minimum wage. However, the Tribunal has allowed addition in income for future prospects @ 50% but the same would be 40% in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. Even compensation allowed under conventional heads is more than what is permissible in the light of judgment in **Pranay Sethi's case** (supra). Even if income of the deceased is slightly increased, the net result may not be beneficial to the claimants vis-a-vis compensation assessed by the Tribunal. That being so, there is no justification for enhancement of compensation.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

28.02.2018 **(REKHA MITTAL)**
ashok **JUDGE**

Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No