

FAO No.191 of 2016

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

FAO No.191 of 2016  
Date of decision: 17.05.2018

Smt. Suman Devi

.....Appellant

versus

Ram Kishan and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Devender Arya, Advocate,  
for the appellant.

Mr. G.D. Gupta, Advocate,  
for respondent No.3.

**RAMENDRA JAIN, J. (ORAL)**

Vakalatnama filed on behalf of respondent No.3-Insurance Company is taken on record.

Prayer through instant appeal has been made for enhancement of compensation, modifying the impugned award dated 24.08.2015 of the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as the 'Tribunal').

Both the parties are *ad idem* that this appeal has to be decided in accordance with the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and others***, 2017(4) R.C.R. (Civil) 1009.

Learned counsel for the appellant has produced calculation sheet in accordance with ***Pranay Sethi's*** case (supra) in Court. The same is

taken on record as Mark 'A'. As per calculations, appellant is entitled to compensation of ₹6,33,904/-. The Tribunal has already awarded

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compensation of ₹4,57,400/- to her.

Learned counsel for the Insurance Company has not been able to controvert the aforesaid calculations, but contends that since the Tribunal has awarded compensation to the appellant considering income of the deceased at ₹4,800/- per month, therefore, compensation has to be enhanced taking the same income and not on the basis of minimum wages of unskilled workman prevalent at the time of death of the deceased, on the basis of which, learned counsel for the appellant has furnished calculations aforesaid.

This Court finds no merit in the above submissions of learned counsel for respondent No.3-Insurance Company for the reason that notional income of the deceased was taken in the absence of any proof. The deceased expired in the year 2014. The minimum wages prevalent at that time prescribed by Government for an unskilled workman were ₹5,547/- per month. While awarding compensation, taking minimum wages prescribed by the Government is a straitjacket formula being adopted throughout the country since last many decades in the absence of any proof regarding income of the deceased. Therefore, this Court finds no infirmity in the calculations (Mark 'A').

Consequently, appellant is awarded enhanced compensation of ₹1,76,504/- over and above the amount of compensation already granted to her by the Tribunal along with interest @ 9% per annum from the date of institution of claim petition till realization. Respondent No.3 – Insurance Company is directed to deposit the amount aforesaid within two months from today before the Tribunal for onward disbursement of the same to the appellant in accordance with law against proper receipt and identification.

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In case, above enhanced amount is not deposited by the Insurance Company, the same would entail interest @ 12% per annum after two months

Disposed of.

(Ramendra Jain)  
Judge

May 17, 2018  
R.S.

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |