

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 the deceased was earning Rs.20,000.00 per month by running business of sale of sarees in a show room. In addition, it is submitted that compensation for loss to estate allowed is on lower side.

The Tribunal, in para 17 of the award, has noticed that except oral testimony of Santosh Devi (PW1) and Chiranji Lal (PW2), claimants in the case, there is no evidence to substantiate plea of claimants that the deceased was doing business of sale of sarees in a show room.

Counsel for the appellants has not disputed factual findings recorded by the Tribunal in this regard. This Court is not oblivious of the fact that in application for compensation, claimants generally have the tendency to inflate figures of income of the deceased to get more compensation. In absence of the claimants producing satisfactory much less cogent evidence to substantiate their plea that the deceased was doing business of sale of sarees in a showroom and earning Rs.20,000.00 per month, findings of the Tribunal assessing income of the deceased on the basis of minimum wage cannot be faulted with. In this view of the matter, there is no justification for increase in income of the deceased.

The Tribunal has allowed benefit of increase in income qua future prospects at the rate of 50% as against 40%, admissible in the light of latest judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270***. Even compensation allowed under conventional heads is more than what is permissible in the light of aforesaid judgment. As such, there is no scope

for enhancement of compensation over and above what has been allowed by the Tribunal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

30.08.2018
mohan bimbra

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