IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO 2901 of 2016 (O&M)
Date of decision: 21.08.2018

Papna Devi and others .... *Appellants*

Versus

Luhar Sharvan and others ....*Respondents*

Coram: **Hon'ble Mrs. Justice Rekha Mittal**

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Present: None for the appellants

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Rekha Mittal, J. (Oral)

CM 10558 CII of 2016

Prayer in this application is for condonation of delay of 22 days in filing the appeal.

In view of averments made in the application supported by an affidavit of one of the applicants and arguments advanced, the application is allowed and delay of 22 days in filing the appeal stands condoned.

Main case

The claimants are in appeal seeking enhancement of compensation on account of death of Harpal son of Rati Ram in a motor vehicular accident that took place on 02.11.2014.

The Tribunal has awarded compensation of Rs.14,13,096.00, detailed hereunder:-

Monthly income of deceased	Rs.5,500.00
Addition in income for future prospects	50%
Deduction for personal expenses	$1/4^{th}$
Multiplier	16

Loss of dependency	Rs.11,88,096.00
Loss of love, affection, care and guidance for minor son	Rs.1,00,000.00
Loss of consortium and estate	Rs.1,00,000.00
Funeral expenses	Rs.25,000.00

The plea of claimants is that Harpal was working as driver with '*Yadav Tourist Service*' and earning Rs.15,000.00 per month. The Tribunal, in view of its findings in para 6 under the head income of deceased, has adverted to testimony of Surender Yadav (PW4), examined to prove employment and income of the deceased. Surender Yadav has failed to produce any document with regard to his doing business under the name and style '*Yadav Tourist Service*'. Even driving licence of deceased was not produced on record.

The Tribunal has allowed benefit of increase in income for 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.*** Compensation under conventional heads has been allowed to the tune of Rs.2,25,000.00 as against Rs.70,000.00, admissible in the light of aforesaid judgment. Under the circumstances, even if income of the deceased is slightly increased, there is no justification for enhancement of compensation.

Disposed of accordingly.

(Rekha Mittal)
Judge

21.08.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No