

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
-.-

FAO 4873 of 2016 (O&M)
Date of decision: 07.08.2018

Smt. Rajpati and others Appellants
Versus
Ved Parkash and another Respondents

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

Present: Mr. D L Gulati, Advocate for
Mr. Kulwant Singh Dhanora, Advocate
for the appellants
-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Miyan Singh in a motor vehicular accident that took place on 31.12.2014.

The Tribunal has awarded compensation of Rs.9,44,420.00, detailed hereunder:-

Monthly income of the deceased	Rs.8,580.00
Deduction for personal expenses	1/4 th
Multiplier	11
Loss of dependency	Rs.8,49,420.00
Expenses of transportation and last rites	Rs.20,000.00
Loss of consortium	Rs.75,000.00

The Tribunal has assessed income of deceased at Rs.8,580.00 per month on the basis of minimum wage for the year 2014-15. As a matter of fact, minimum wage in December 2014 qua unskilled worker was Rs.5,639.50 per month. The Tribunal has not allowed benefit of addition in

income for future prospects at the rate of 10%. If loss of dependency is calculated by taking into consideration the minimum wages plus 10% increase in income for future prospects, the same would be less than what has been assessed by the Tribunal. The Tribunal has rightly applied multiplier of 11 and deduction for personal expenses to the tune of 1/4th. In the given scenario, there is no scope for enhancement of compensation qua loss of dependency. Similarly, compensation allowed by the Tribunal under conventional heads to the tune of Rs.95,000.00 is more than what is permissible in the light of latest judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270***. In this view of the matter, 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 merit, application for condonation of delay is of academic relevance.

(Rekha Mittal)
Judge

07.08.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No