

FAO No. 5952 of 2016(O&M)
Date of Decision: 29.5.2018

Babli and another

---Appellants

versus

Suresh Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Kamlesh Rani, Advocate
for Mr. Parminder Singh, Advocate
for the appellants

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Ajit Singh in a motor vehicular accident that took place on 15.11.2008.

The Motor Accidents Claims Tribunal, Karnal (in short “the Tribunal”) has awarded compensation of Rs. 7,05,400/-, detailed hereunder:-

Monthly income of the deceased	Rs. 4200/-
Deduction for personal expenses	50%
Increase in income for future prospects	50%
Multiplier	18
Loss of dependency	Rs. 6,80,400/-
Funeral expenses	Rs. 25,000/-

The sole submission made by counsel for the appellants is that the Tribunal has not allowed compensation qua loss to estate.

The Tribunal has allowed benefit of future prospects @ 50% as against 40% admissible in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others** 2017 SCC 1270. Compensation qua funeral expenses has been allowed @ Rs. 25,000/- as against Rs. 15,000/- admissible in the light of aforesaid judgment. Even if benefit of loss to estate to the tune of Rs. 15,000/- is extended to the claimants, the net result would be reduction in compensation. 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 merits, application for condonation of delay of 764 days in filing the appeal is of academic relevance only.

(Rekha Mittal)
Judge

29.5.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No