

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

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FAO-6175-2016 (O&M)

Date of decision: 10.12.2018

PRIYANKA NARWAL & ANR

... Appellants

Versus

BHAGWAN & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Arun Singal, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ranjeet Narwal @ Ranjeet in a motor vehicular accident that took place on 27.06.2012.

The Tribunal has awarded compensation of Rs.24,67,311/-, i.e. Rs.20,40,000/- towards loss of dependency, Rs.2,02,311/- towards medical expenses and Rs.2,25,000/- under conventional heads.

The sole submission made by counsel for the appellants is that income of deceased assessed by the Tribunal is on lower side and needs enhancement.

The plea of claimants is that deceased was earning Rs.65,000/- per month and they examined several witnesses to establish their plea in this regard. The Tribunal, on a detailed consideration of evidence both oral and documentary in view of discussion in para 25 of the award has concluded that income of the deceased is to be assessed at Rs.10,000/- per month. I have gone through findings of the Tribunal and find no reason to differ with the Tribunal for its inability to rely upon documentary evidence on record qua income/financial status of the deceased. Even counsel for the appellants has failed to point out that factual findings recorded by Tribunal are the result of misreading of evidence or failure to take into consideration evidence that has material bearing on the question of assessment of income

of the deceased. That being so, income of the deceased assessed by the Tribunal is affirmed.

The Tribunal has allowed benefit of addition in income for future prospects @ 50% as against 40% admissible in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. Even compensation allowed under conventional heads is more than what is permissible in the light of judgments of Hon'ble the Supreme Court **Pranay Sethi and others's case (supra)** and **Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram and others, 2018(4) RCR (Civil) 333**. As such, there is no justification for allowing compensation more than what has been allowed by the Tribunal.

For the foregoing reasons, finding no merit, the appeal fails and is, accordingly, dismissed in limine.

(REKHA MITTAL)
JUDGE

10.12.2018

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Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No