

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

-.-

FAO 644 of 2016 (O&M)
Date of decision: 23.08.2018

Santosh Kumari and others

..... Appellants

Versus

Yashpal and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Rajni Maurya, Advocate
for the appellants

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ram Pal alias Vicky son of Ram Saroop in a motor vehicular accident that took place on 06.11.2014.

The Tribunal has assessed income of the deceased at Rs.7,000.00 per month, added 50% for future prospects, applied cut of 1/3rd for personal expenses and multiplier of 16 to compute loss of dependency. In addition, an amount of Rs.15,000.00 has been paid under conventional heads.

The sole submission made by counsel for the appellants is that the Tribunal has allowed a sum of Rs.10,000.00 towards funeral and last rites and Rs.5000.00 for transportation but no compensation has been allowed for loss to estate.

The Tribunal has allowed addition 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.*** Even compensation under conventional heads to the extent of Rs.1,15,000.00 is more than what is permissible in view of judgment in *Pranay Sethi's* case (supra), therefore, there is no justification for enhancement of compensation either qua loss of dependency or under conventional heads.

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

(Rekha Mittal)
Judge

23.08.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No