

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 6787 of 2016

Date of Decision: November 29 , 2018.

Sharday and another

..... APPELLANT (s)

Versus

Suresh Kumar and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Pawan Attri, Advocate
for the appellants.

Mr. Rajneesh Malhotra, Advocate
for respondent No.3-Insurance company.

LISA GILL, J.

This is an appeal preferred by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Jind (for short, the 'Tribunal') vide impugned award dated 17.03.2016.

A petition under Section 166 of the Motor Vehicles Act, 1988 was filed by the appellants claiming compensation of ₹25,00,000/- on account of death of their son Sukhvinder in a motor vehicle accident which took place on 19.09.2014. Learned Tribunal on consideration of the facts and evidence on record, awarded a total sum of ₹9,97,000/- as compensation to the appellants vide impugned award. Deceased was 22 years old at the time of the accident. Learned Tribunal assessed the income of the deceased to be ₹6,000/- per month. Increment at the rate of 50% on account of future prospects was afforded. While

calculating the amount of compensation, deduction to the extent of 50% was effected on account of personal expenses and multiplier of 18 was applied. ₹25,000/- was awarded towards funeral expenses, loss of estate and conveyance charges.

Learned counsel for the appellants submits that income of the deceased has been assessed on the lower side i.e., ₹10,000/- per month, whereas the deceased was doing the work of an electrician and running a shop. He was earning ₹15,000/- per month. It is thus prayed that the impugned award be modified to the said extent.

Learned counsel for respondent No.3 – Insurance Company however refutes the arguments raised. It is submitted that no ground is made out for further enhancement of the compensation. He prays for upholding the impugned award.

I have heard learned counsel for the parties and have gone through the impugned record.

The claimants have doubtlessly claimed that the deceased was earning ₹15,000/- per month while working as an electrician. He was running his own shop. However, learned counsel for the appellants is unable to deny that there is no evidence on record to indicate the same, except a bald statement of the claimant PW1 Sharday. There is no indication of any kind of training/diploma which the deceased may have obtained for doing the work of electrician and neither is there any evidence to show that a shop was being run by the deceased. Minimum wage of an unskilled labourer in the State of Haryana at the relevant time is ₹5,547/- per month and that of a skilled labour ₹6,067/- per month.

Therefore, there is no infirmity in the assessment of the income of the deceased as ₹6,000/- per month by the learned Tribunal. Increment of 50% has been afforded by the learned Tribunal on account of future prospects. Keeping in view the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680** an increase in income at the rate of 40%, in fact, should have been afforded on account of future prospects. Even if, keeping in view the judgments of the Hon'ble Supreme Court in **Pranay Sethi's case** (supra) and **Magma General Insurance Company Ltd. v. Nanu Ram Alias Chuhru Ram & Ors., in Civil Appeal No.9581 of 2018 decided on 18.09.2018**, the appellants were to be afforded a sum of ₹30,000/- towards funeral expenses and loss of estate instead of ₹25,000/-, ₹40,000/- each on account of loss of filial consortium and increment on account of future prospects reduced to 40% from 50%, there would not be much variation in the total compensation afforded to the claimants.

Therefore, I do not find any ground whatsoever to interfere in the impugned award dated 17.03.2016 passed by learned Motor Accident Claims Tribunal, Jind.

Consequently, this appeal is dismissed with no order as to cost.

(LISA GILL)
JUDGE

November 29 , 2018.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No