

FAO No. 1251 of 2017(O&M)
Date of Decision: 6.9.2018

Umrawati Devi and another

---Appellants

versus

Desh Raj and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Anshul Khurana, Advocate
for Mr. Sanjay Vashisth, Advocate
for the appellants

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Roshan Kumar, their son, in a motor vehicular accident that took place on 28.8.2015.

Counsel for the appellants has prayed for enhancement of compensation primarily on two counts. The first submission made by counsel is that income of the deceased assessed by the Motor Accidents Claims Tribunal, Rewari (in short “the Tribunal”) is on lower side and needs enhancement. The Tribunal has allowed an amount of Rs. 20,000/- towards expenses on last rites, transportation etc. but in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others** 2017 SCC 1270, a sum of Rs. 30,000/- is to be allowed towards conventional heads.

The Tribunal has noticed certain facts in para 24 of the award while assessing notional income of the deceased at Rs. 5812/- on the basis

of letter dated 13.2.2015 issued by the Labour Commissioner, Haryana. The claimants did not produce on record any documents with regard to educational qualification of the deceased nor testimony of Ved Parkash PW2 examined to prove avocation and income of the deceased gets substantiated from any documentary evidence. In the given scenario, income of the deceased assessed by the Tribunal cannot be faulted with. The Tribunal allowed benefit of increase in income for future prospects @ 50% as against 40% admissible in the light of judgment **Pranay Sethi and others' case (supra)**. If the claimants are allowed another amount of Rs. 10,000/- under conventional heads but benefit of future prospects is restricted to 40%, there would be reduction in compensation assessed by the Tribunal. That being so, there is no scope for enhancement of compensation over and above what has been allowed by the Tribunal.

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

(Rekha Mittal)
Judge

6.9.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No