

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

FAO-8361-2015 (O&M)
Date of Decision:18.08.2018

Omwati and others

.....Appellants

Vs.

Suresh Kumar and another

.... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Monika Arora, Advocate,
for the appellants.

Mr.Parven Kumar, Advocate for
Mr.Vinod Gupta, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

By this appeal the claimants before the learned Motor Accident Claims Tribunal, Mohali, seek enhancement of the compensation awarded to them by the Tribunal for the death of Badlu, husband of appellant no.1 and father of appellants no.2 to 5, he having unfortunately died in a motor accident on 26.11.2012.

Learned counsel for the appellants could not, however, show as to how the income of the deceased assessed by the learned Tribunal, of Rs.8,000/- per month, is in any manner inadequate, with infact the minimum wages of a skilled worker, as notified by the Punjab Government for the year in question, being far less than that.

She also could not deny that the loss of future prospects of income assessed at the rate of 15% of the income of Rs.8,000/- per month, is in any way inadequate, the deceased being 55 years of age and infact the judgment of the Supreme Court in “**National Insurance Company Ltd. vs.**

Pranay Sethi” (2017) 16 SCC 680, holding that for a deceased person of that age only 10% on account of loss of future prospects of income is to be added, if he was self employed.

The deduction from the total income of the deceased towards his personal expenses, had he remained alive, being 1/4th of such income, with him having five dependents (the present appellants), also not being contrary to the law laid down in “**Sarla Verma Vs. Delhi Transport Corporation and others**” 2009(3) PLR 2, and the multiplier of '11' also having been appropriately applied, loss of consortium and loss of love and care to the minor children also being Rs.1 lakh each and funeral expenses to the tune of Rs.25,000/- having been awarded, with the total compensation awarded under the “conventional heads” also therefore being far above what is settled in **Pranay Sethi**'s case (supra), I see no ground on which the compensation can be enhanced, with learned counsel also not able to point out anything else from the impugned Award.

Therefore, without making any comment on whether it is excessive compensation already awarded, the respondents not having filed any appeal against the award, I see no reason to entertain this appeal.

Consequently, the appeal is dismissed, but in view of the fact that the appellants are legal heirs of a deceased person, no costs are to be imposed.

August 18, 2018

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO