

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

FAO No. 1637 of 2017(O&M)

Date of decision: 13.8.2018

Daljit Kaur and others

.....Appellants

VERSUS

Mukha and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: None.

REKHA MITTAL, J. (Oral)

CM No.5382-CII of 2017

Prayer in this application is for condoning delay of 490 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Daljit Kaur- appellant, the application is allowed. Delay of 490 days in filing the appeal stands condoned, subject to the condition that in case the appellants succeed in appeal, they will forgo interest for the period of delay.

Disposed of accordingly.

FAO No.1637 of 2017

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Sirsa (in short 'the Tribunal') on account of death of Angrej Singh in a motor vehicular accident that took place on 21.05.2013.

The Tribunal has awarded compensation of Rs.13,99,000/- detailed hereunder:-

Monthly income of the deceased	Rs.5000/-
Multiplier	17
Deduction for personal expenses	1/5 th
Addition in income for future prospects	50%
Loss of dependency	Rs.12,24,000/-
Loss of love and affection	Rs.50,000/-
Funeral expenses	Rs.25,000/-
Loss of consortium	Rs.100000/-

The plea of the claimants is that deceased was working as a driver on the ill-fated car which was driven by him at the time of occurrence and accident occurred on account of rash and negligent driving of offending tractor bearing No.PB-033A-8806.

The claimants examined Jitender Kumar Chhabra, a Spare Parts Dealer of Malout PW-4 to prove avocation and income of the deceased. The witness failed to produce on record any documentary evidence with regard to salary paid to the deceased except salary certificate Ex.PW4/B. In the given scenario, income of the deceased can be assessed on the basis of minimum wage of a skilled worker available at the relevant time. The minimum wage of a highly skilled worker at that time was Rs.5862.15 per month. Even if income of the deceased is assessed at Rs.6000/- per month and loss of dependency is computed by extending benefit of addition in income at the rate of 40% and deduction for personal expenses to the extent of 1/4th as father of the deceased cannot be held to be dependent upon his earning plus compensation under conventional heads to the tune of Rs.70,000/- is allowed in the light of latest judgment

of Hon’ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270**, compensation would be less than what has been allowed by the Tribunal. In this view of the matter, there is no justification for enhancement of compensation.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

AUGUST 13, 2018		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no