

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

FAO No. 2065 of 2017(O&M)

Date of decision: 9.8.2018

Smt. Santosh and others

.....Appellants

VERSUS

Pardeep Kumar and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: None.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Sonapat (in short 'the Tribunal') on account of death of Ashok Kumar in a motor vehicular accident that took place on 14.02.2013.

The Tribunal has awarded compensation of Rs.13,69,840/- detailed hereunder:-

Monthly income of the deceased	Rs.5740/-
Multiplier	16
Deduction for personal expenses	1/4 th
Addition for future prospects	50%
Loss of dependency	Rs.12,39,840/-
Loss of consortium	Rs.1,00,000/-
Funeral expenses	Rs.25,000/-
Loss to estate	Rs.5000/-

The Tribunal has assessed income of the deceased on the basis of plea of the claimants that the deceased was working as a Security Guard at salary of Rs.5740/- per month. Addition in income for future prospects allowed by the Tribunal is more than what is admissible in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.** Deduction for personal expenses and multiplier adopted by the Tribunal are correct and affirmed. Even compensation allowed under conventional heads is more than what can be allowed in the light of aforesaid judgment. In this view of the matter, there is no justification for enhancement of compensation on any count whatever.

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

AUGUST 9, 2018

'D. Gulati'

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no