In the High Court of Punjab and Haryana at Chandigarh

FAO- 2284 of 2017(O&M)
Date of Decision: 7.9.2018

Smt. Brahmawati and others ---Appellants
versus
Raj Kumar and others ---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants

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Rekha Mittal, J.

CM No.7615-CII of 2017

Prayer in this application is for condoning delay of 29 days in filing the appeal.

Allowed as prayed for. Delay of 29 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No. 2284 of 2017

The claimants are in appeal seeking enhancement of compensation on account of death of Ajay Kumar in a motor vehicular accident that took place on 28.1.2015.

The plea of the claimants is that deceased was working as Helper in a company situated in Plot No. 6, Sector-8, IMT, Manesar and also doing agriculture work thereby earning Rs. 14,500/- per month. The claimants examined Udaibir Singh PW3 to prove employment and income of the deceased from M/s Growth Engine Private Limited, Manesar @ Rs. 6340/- per month. It has been noticed by the Motor Accidents Claims Tribunal, Gurgaon (in short " the Tribunal") that claimants have failed to produce any evidence with regard to the deceased being involved in agriculture work. The Tribunal has assessed income of the deceased at Rs. 7000/- and allowed addition in income for future prospects @ 50% making monthly income to the tune of Rs. 10,500/-. There is no justification for enhancement in income of the deceased. The Tribunal has rightly applied multiplier of 18 and deduction of 50% for computing loss of dependency to the tune of Rs. 11,34,000/-.

Under conventional heads, the Tribunal has allowed a sum of Rs. 1,16,000/- as against Rs. 30,000/-, available in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270.**

The application for compensation has been filed by parents and three minor siblings of the deceased. There is nothing on record suggestive of the fact that father of the deceased is suffering from any disability to impair his capacity to work and earn livelihood for his family. In the given scenario, deduction for personal expenses allowed by the Tribunal cannot be faulted with. In this view of the matter, it can safely be held that there is no scope for enhancement of compensation over and above what has been allowed by the Tribunal when the case is examined in the light of aforesaid judgment. That being so, the appeal is liable to be dismissed.

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

(Rekha Mittal)
Judge

7.9.2018.
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No