

257

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

FAO-4082-2017

Date of decision : 30.01.2018

Harpal Kaur and others

... Appellant(s)

Versus

Mewa Singh and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rajbir Singh, Advocate
for the appellants.

AMIT RAWAL, J. (ORAL)

The appeal has been preferred by the claimants being widow, daughter and minor son of Mithu Singh, who unfortunately died in a motor accident occurred on 02.04.2016, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹10,41,400/- along with interest @ 7.5% per annum, has been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of ₹10,41,400/-, which is on lower side as the deceased-Mithu Singh aged 52 years, was working as driver and earning ₹ 25,000/- per month, but the Tribunal took the income of the deceased as ₹9,000/-. Moreover, no increase was made in the salary towards future prospects and an amount of ₹1,00,000/- towards loss of consortium, ₹ 25,000/- for love and affection and ₹25,000/- for funeral expenses, is also too meagre, thus, there is scope for enhancement.

I have heard the learned counsel for the appellants and appraised

the paper book and of the view that the Tribunal has taken care of all the heads sufficiently. Moreover, under conventional heads, the Tribunal has already awarded excess amount of ₹ 1,50,000/-, whereas now as per the *ratio decidendi* culled out by Hon'ble the Supreme Court in *SLP (Civil) No.25590 of 2014* titled as *“National Insurance Company Ltd. V/s Pranay Sethi and others”*, it should be ₹70,000/-, therefore, there is no scope for further enhancement of compensation. Accordingly, the appeal is dismissed.

30.01.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No