

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

FAO No. 4263 of 2017(O&M)

Date of decision: 17.12.2018

Sudesh Devi and othersAppellants

VERSUS

Sartaj Singh and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sandeep Kotla, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Karnal (in short 'the Tribunal') on account of death of Shyam Lal in a motor vehicular accident that took place on 27.04.2015.

The Tribunal has awarded compensation of Rs.20,83,950/- (rounded off to Rs.20,84,000/-) detailed hereunder:-

Monthly income of the deceased	Rs.8100/-
Addition in income for future prospects	50%
Deduction for personal expenses	1/4 th
Multiplier	17
Loss of dependency	Rs.18,58,950/-

In addition, a sum of Rs.2,25,000/- has been allowed under conventional heads namely loss of consortium to wife, loss of love and affection to wife, children and parents, funeral expenses and loss of estate.

The Tribunal has assessed income of the deceased by taking into consideration the Deputy Commissioner's rates meant for employees to be paid out of contingency but the minimum wage at the relevant time was less than Rs.8100/- per month. Addition in income for future prospects has been allowed at the rate of 50% as against 40% permissible in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.** Even compensation allowed under conventional heads is much more than what can be allowed in the light of judgments of Hon'ble the Supreme Court **Pranay Sethi and others case** (supra) and **Sebastiani Lakra and others Vs. National Insurance Company Ltd. and another, AIR 2018 SC 5034.** In this view of the matter, there is no scope for allowing compensation more than what has been awarded by the Tribunal. As such, plea of the claimants for enhancement of compensation is patently misconceived and liable to be rejected.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

DECEMBER 17, 2018

'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no