

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 4651 of 2017(O&M)

Date of Decision: 7.8.2018

Baljit Kaur and others

---Appellants

versus

Nishan Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rahul Jaswal, Advocate
Mr. Vivek K. Thakur, Advocate
for the appellants

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Harjinder Singh in a motor vehicular accident that took place on 30.7.2015.

The Motor Accidents Claims Tribunal, Kapurthala (in short “the Tribunal”) has awarded compensation of Rs. 14,84,000/-, detailed in para 13 of the award. The Tribunal has assessed income of the deceased at Rs. 7000/- per month. The claimants have placed on record jamabandi for the year 2012-13 to prove income of the deceased from agriculture. Perusal thereof would reveal that Harjinder Singh is not recorded to be co-sharer in the land but his father Mohinder Singh appears to be a co-sharer to the extent of 4/33 share in land measuring 6 kanal 10 marlas. In this view of the matter, the Tribunal has rightly rejected contention of the appellant for

grant of compensation on account of loss from agriculture land.

The Tribunal has taken age of the deceased as 30 years, therefore, admissible multiplier would be 17. However, the Tribunal has allowed addition in income for future prospects @ 50% which would be 40% in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others** 2017 SCC 1270. Compensation allowed under conventional heads to the tune of Rs. 1,40,000/- is liable to be reduced to Rs. 70,000/- in the light of **Pranay Sethi and others' case (supra)**. Even if multiplier is corrected to 17 and aforesaid corrections are made, compensation would be less than what has been allowed by the Tribunal. That being so, there is no justification for enhancement of compensation.

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

(Rekha Mittal)
Judge

7.8.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No