

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 6895 of 2017(O&M)

Date of decision: 4.12.2018

Sunita Devi and othersAppellants

VERSUS

Parveen Kumar and othersRespondents

CORAM: HON’BLE MRS. JUSTICE REKHA MITTAL

Present: None.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation assessed by the Motor Accidents Claims Tribunal, Bhiwani (in short ‘the Tribunal’) on account of death of Joginder Singh in a motor vehicular accident that took place on 30.06.2015.

The Tribunal has awarded compensation of Rs.18,58,000/- detailed hereunder:-

Monthly income of the deceased	Rs.8000/-
Addition in income for future prospects	50%
Deduction for personal expenses	1/4 th
Multiplier	16
Loss of dependency	Rs.17,28,000/-
Loss of consortium to spouse	Rs.1,00,000/-
Funeral expenses	Rs.25,000/-
Loss of estate	Rs.5000/-

The plea of the claimants is that deceased was earning Rs.25,000/- per month from his profession. In para 24 of the award, it has been held that no cogent evidence has been led by the claimants qua income of the deceased and the Tribunal has assessed his income at Rs.8000/- per month by treating him as a casual worker. Perusal of notification issued by the State of Haryana fixing minimum wage at the relevant time would reveal that minimum wage of a highly skilled worker was also less than Rs.8000/- per month. Addition in income for future prospects is more than what is permissible in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270** and deduction for personal expenses is 1/4th as against 1/3rd allowed in the light of judgment **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77**. Even compensation under conventional heads is more than what can be allowed in the light of judgments of Hon'ble the Supreme Court Pranay Sethi and others case (supra) and **Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram and others, 2018(4) RCR (Civil) 333**. In the given scenario, there is no justification for allowing compensation over and above what has been allowed by the Tribunal.

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

DECEMBER 4, 2018

'D. Gulati'

(REKHA MITTAL)
JUDGE

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