

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-:-

FAO 7689 of 2017 (O&M)
Date of decision: 13.12.2018

Smt. Laxmi Devi

....Appellant

versus

Shankar Lal Regar and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Neeraj Sheoran, Advocate
for the appellant

-:-

Rekha Mittal, J. (Oral)

CM 25257 CII of 2017

Prayer in this application is for condoning delay of 9 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit and arguments advanced, the application is allowed and delay of 9 days in filing the appeal stands condoned.

Main case

The claimant is in appeal seeking enhancement of compensation on account of death of Parminder son of Shri Gyan Singh in a motor vehicular accident that took place on 09.12.2012.

The Tribunal has awarded compensation of Rs.10,22,000.00, represented in tabulated form in para 20 of the award.

The plea of claimant is that the deceased was earning Rs.11,000.00 per month but has failed to adduce cogent and tangible

evidence to establish her plea with regard to income of deceased. The Tribunal has assessed his income at Rs.6,000.00 per month which is more than the minimum wage even of a highly skilled person available at the relevant time. Addition in income for future prospects at the rate of 50% is more than what can be allowed in the light of judgment of Hon'ble the Supreme Court ***National Insurance Company Limited vs. Pranay Sethi and others, 2017 SC 1270***. Even compensation under conventional heads is slightly more than what can be allowed in the light of aforesaid judgment. In the given scenario, there is no justification for allowing compensation more than what has been assessed by the Tribunal. That being so, plea of claimant for enhancement of compensation is not meritorious and liable to be rejected.

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

(Rekha Mittal)
Judge

13.12.2018
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