

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

-.-

FAO 966 of 2018 (O&M)
Date of decision: 05.09.2018

Smt. Anita and others

..... Appellants

Versus

Kuldeep Singh and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Ms Monika Thakur, Advocate
for the appellants

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Nirmal Singh in a motor vehicular accident that took place on 22.01.2014.

The sole submission made by counsel for the appellants is that income of the deceased assessed by the Tribunal is on lower side and needs enhancement.

The Tribunal, in para 14 of the award has noticed that as per plea of claimants, the deceased was earning Rs.25,000.00 per month as he was salesman with M/s Sohan Singh, Joginder Singh, Old Sabzi Mandi, Jalandhar and running business of commission agent in vegetables. The claimants examined Sarabjit Singh (PW3) son of Joginder Singh, Proprietor of M/s Sohan Singh, Joginder Singh, Old Sabzi Mandi, Jalandhar. Though the witness has stated that the deceased was also doing business of commission agent at Sabzi Mandi but his statement is contrary to plea of

claimants and is not supported by an independent much less documentary evidence. In the given scenario, the Tribunal has rightly refused to rely upon testimony of Sarabjit Singh with regard to avocation and income of the deceased. The Tribunal has assessed income at Rs.10,000.00 per month which is much more than the minimum wage available at that time. The addition of income qua future prospects and compensation under conventional heads, allowed by the Tribunal is higher than what is permissible in the light of latest judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270***. In the given scenario, there is no justification for addition in compensation over and above, what has been allowed by the Tribunal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

(Rekha Mittal)
Judge

05.09.2018
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No