In the High Court of Punjab and Haryana at Chandigarh

FAO- 1665 of 2016
Date of Decision: 18.3.2019

Anju and others

---Appellants

versus

Siya Saran and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Chand Ram Olla, Advocate
for the appellants

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Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Ram Niwas in a motor vehicular accident that took place on 31.8.2013.

The Motor Accidents Claims Tribunal, Hisar (in short "the Tribunal") awarded Rs. 14,74,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 9000/-
Deduction for personal expenses	1/3rd
Multiplier	17
Loss of dependency	Rs. 12,24,000/-
Loss of love and affection for the minor children and mother	Rs. 1,00,000/-
Loss of estate	Rs. 1,00,000/-
Cost of litigation	Rs. 25000/-
Transportation and funeral	Rs. 25,000/-

Counsel for the appellants would argue that claimants are entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal needs modification as application for compensation has been filed by the widow, two minor children and mother of the deceased.

The Tribunal has assessed income of the deceased at Rs. 9000/- per month. However, it has been noticed that there is no evidence with regard to the deceased being involved in agriculture or driving even though driving licence has been produced on record. The Tribunal has not assigned any reason for assessing income at Rs. 9000/- per month as against minimum wage of a skilled worker at the relevant time being approximately Rs. 5500/- per month. Further the Tribunal has allowed a sum of Rs. 2,25,000/- under conventional heads as against Rs. 70000/- admissible in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034.** If compensation is assessed by ascertaining income of the deceased on the basis of minimum wage available at the relevant time, addition for future prospects @ 40%, deduction for personal expenses to the tune of $1/4^{th}$ and conventional heads to the extent of 70,000/-, net result would be that the claimants would be at a loss viz-a-viz compensation assessed by the Tribunal. In the given scenario, there is no justification for allowing compensation more than what has been assessed by the Tribunal.

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

(Rekha Mittal)
Judge

18.3.2019
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No