

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 2072 of 2016 (O&M)

Date of Decision: 01.03.2019

Gurpal Kaur and others

.....Appellants

Versus

Wazir Singh and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: None for the appellants.

Mr. M.B.Jain, Advocate
for Mr. Punit Jain, Advocate
for respondent no.3.

LISA GILL, J(Oral).

Appellants-claimants, seek enhancement of compensation awarded by the learned Motor Accident Claims Tribunal (for short 'tribunal') vide impugned award dated 02.12.2015, on account of death of Balwinder Singh @ Billu.

Learned tribunal while assessing the income of the deceased to be ₹6000/- per month awarded increment of 50% on account of future prospects and awarded a total sum of ₹13,80,000/- along with interest @ 7.5% per annum from the date of filing of the claim petition till realisation of the amount to the claimants, which is detailed as under:-

1.	Total income of deceased	₹6000/- p.m
2.	Total income after addition of future prospects at the rate of 50%	₹6000/- (₹6000/-+ ₹3000/-) i.e. ₹9000/-
3.	Deduction of 1/3 on account of personal expenses	₹9000/- (₹9000*1/3=₹3000/-) = ₹6000/-
4.	Annual dependency after applying multiplier of 16	₹6000/- x 12 x 16= ₹11,52,000/-
5.	Loss of consortium to appellant no.1	₹1,00,000/-
6.	Funeral expenses	₹28,000/-
7.	Loss of care and guidance of minor children i.e. appellants no.2 and 3	₹1,00,000/-
	Total Compensation =	₹13,80,000/-

Learned counsel for respondent no.3 submits that there is no evidence on record to indicate the income earned by the deceased to be more than as assessed by the learned tribunal or even the vocation he was engaged in. Minimum wages in the State of Haryana at the time of the accident were about ₹5812/- per month and the learned tribunal has assessed income of the deceased to be ₹6000/- per month. 50% increment on account of future prospects instead of 40% has been afforded. Excessive compensation under the conventional heads has been afforded, as well. Therefore, this appeal be dismissed.

It is noticed that none had appeared on behalf of the appellants one occasion and on the last date of hearing last opportunity was sought to address arguments.

Today, there is no representation on behalf of the appellants. It appears that the appellants are not interested in pursuing this matter any longer.

Appeal is accordingly dismissed in default.

Copy of this order be conveyed to the appellants at the available address.

01.03.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.