

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

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Date of decision: 04.02.2019

FAO-2189-2016 (O&M)

Smt. Darshna Devi and others

... Appellants

Versus

Shamsher Singh and others

... Respondents

FAO-2194-2016 (O&M)

Baljit Singh

... Appellant

Versus

Shamsher Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sagar Aggarwal, Advocate for the appellants.

Mr. Indresh Goel, Addl. A.G., Haryana.

Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.2189 and 2194 of 2016 as these have emerged out of the same award dated 04.12.2015 passed by the Motor Accidents Claims Tribunal, Jind whereby compensation has been assessed on account of death of Narender Kumar and injuries sustained by Baljit Singh in a motor vehicular accident that took place on 24.10.2014.

FAO No.2189 of 2016 has been filed by Smt. Darshna Devi and others seeking enhancement of compensation whereas the other appeal has been preferred by the injured for the same relief.

FAO No.2189 of 2016

The Tribunal has awarded compensation of Rs.12,73,200/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Addition in income for future prospects	30%
3. Multiplier	16
4. Deduction for personal expenses	1/4 th
5. Loss of dependency	Rs.11,23,200/-
6. Expenses on funeral	Rs.25,000/-
7. Loss of consortium	Rs.1,00,000/-
8. Loss of care and guidance for claimants No.2 to 4	Rs.25,000/-

Counsel for the appellant would argue that the deceased was a tutor and accordingly his income may be assessed by treating him as highly

skilled person. He further submitted that even widow of the deceased in her testimony had deposed that the deceased was MA in Political Science.

Counsel representing the respondents, on the contrary, would argue that compensation assessed by the Tribunal is on higher side when the case is examined in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**.

The claimants did not produce any documentary evidence in respect of educational qualification of the deceased. The minimum wage at the relevant time was approximately Rs.6000/- per month. The Tribunal has extended the benefit of future prospects @ 30% as against 25% admissible in the light of judgment in **Pranay Sethi and others's case (supra)**. Even compensation allowed under conventional heads is more than what is permissible in the light of aforesaid two judgments of Hon'ble the Apex Court. In this view of the matter, there is no scope for allowing compensation more than what has been assessed by the Tribunal.

In view of what has been discussed hereinabove, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

FAO No.2194 of 2016

The Tribunal has awarded compensation of Rs.6,18,000/-, detailed hereunder:-

1. Medical expenses	Rs.4,50,000/-
2. Loss of future income	Rs.1,00,000/-
3. Attendant charges, special diet, transport, mental pain & agony etc.	Rs.50,000/-
4. Loss of income	Rs.18,000/-

Counsel for the appellant is not in a position to substantiate plea of the claimant for allowing additional compensation. On the contrary, it appears that the Tribunal has shown magnanimity in allowing compensation under various heads. That being so, plea of the claimant for enhancement of compensation is not sustainable.

For the foregoing reasons, the appeal fails and is accordingly

dismissed, leaving the parties to bear their own costs.

04.02.2019

(REKHA MITTAL)
JUDGE

ashok

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