

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

-.-

**FAO 2380 of 2016 (O&M)**

Date of decision: 07.03.2019

*Guddi etc.*

*.....Appellants*

***Versus***

*Sunil Kumar etc.*

*.....Respondents*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: Ms Ekta Thakur, Advocate  
for the appellants

-.-

**Rekha Mittal, J.** (Oral)

The claimants are in appeal seeking enhancement of compensation assessed by the Motor Accidents Claims Tribunal, Chandigarh (in short, 'the Tribunal') on account of death of Sandip son of Shri Ram Khilawan in a motor vehicular accident that took place on 12.07.2014.

The Tribunal has awarded Rs.11,33,000.00, detailed hereunder:-

|                                |                               |
|--------------------------------|-------------------------------|
| -Monthly income of deceased    | Rs.7,000/-                    |
| -Addition for future prospects | 50%                           |
| -Deduction                     | 50%                           |
| -Multiplier                    | 16                            |
| -Multiplicand                  | 5250x12x16=<br>Rs.10,08,000/- |
| -Loss of love and affection    | Rs.1,00,000.00                |
| -Funeral expenses              | Rs.25,000.00                  |

Counsel for the appellants would argue that income of the deceased assessed by the Tribunal is on lower side and appropriate multiplier should be 18.

The plea of claimants that the deceased was a Computer Engineering does not find corroboration from any material on record. It is also not proved that deceased was a student of some institution at Chandigarh. The deceased belonged to a place in District Unao, Uttar Pradesh. Taking a clue from minimum wage of an unskilled worker in U.P at the relevant time coupled with educational qualification of deceased, there is no justification for enhancing income over and above what has been allowed by the Tribunal.

The Tribunal has allowed increase in income for future prospects @ 50% but the same is liable to be restricted to 40% in the light of judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270.*** Even compensation under conventional heads has been allowed to the extent of Rs.1,25,000.00 as against Rs.30,000.00 available (Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court ***Pranay Sethi's case (supra)*** and ***Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034.*** In view of the above, even in case compensation is computed by applying multiplier of 18, net result would be reduction in amount. In the given circumstances, there is no justifiable reason to accept plea of claimants for enhancement of compensation.

In view of what has been discussed hereinbefore, finding no

merit, the appeal fails and is accordingly dismissed *in limine*. No orders as to costs.

**(Rekha Mittal)**  
**Judge**

07.03.2019  
Mohan Bimbura

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