

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

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FAO-2844-2016 (O&M)

Date of decision: 19.07.2019

KISHNO BAI @ KISHNI DEVI

... Appellant

Versus

SUNNY AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellant.

Mr. Pardeep Kumar, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Bheem Singh in a motor vehicular accident that took place on 04.01.2015.

The Tribunal awarded Rs.13,24,300/-, detailed hereunder:-

Monthly income of the deceased	Rs.8100/-
Addition in income for future prospects	50%
Multiplier	17
Deduction for personal expenses	50%
Loss of dependency	Rs.12,39,900/-
Expenses on funeral	Rs.25,000 /-
Loss of estate	Rs.10,000/-
Loss of love and affection	Rs.50,000/-

The plea of claimants is that deceased was painter by profession thereby earning Rs.15,000/- per month. The Tribunal has noticed in para 11 of the award that there is no evidence to substantiate this plea of the claimants. However, the Tribunal has assessed income of the deceased at Rs.8100/- per month on the basis of DC rates as against minimum wage approximately Rs.6000/- per month available at the relevant time. Addition in income for future prospects has been allowed @ 50% as against 40% in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. Even compensation allowed under conventional heads is more than what can be allowed in the light of judgment in **Pranay Sethi and others's case (supra)**. In the given scenario, there is no justification for allowing additional compensation to the appellant.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed.

19.07.2019

ashok

(REKHA MITTAL)
JUDGE

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