

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

237

FAO-3038-2016 (O&M)

Date of decision: 02.04.2019

SHEELA DEVI & ORS

... Appellants

Versus

LEHRI RAM & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rajiv K. Saini, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Subhash in a motor vehicular accident that took place on 08.11.2014.

The Tribunal has awarded Rs.15,51,780/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.8100/-
2. Addition in income for future prospects	30%
3. Multiplier	14
4. Deduction for personal expenses	1/4 th
5. Loss of dependency	Rs.13,26,780/-
6. Loss of consortium, loss of love and affection, funeral expenses	Rs.2,25,000/-

The sole submission made by counsel for the appellants is that as per ration card, deceased was 39 years old at the time of occurrence but the Tribunal has assessed his age at 42 years on the basis of postmortem report and the same is liable to be rectified. It is further argued that in case the deceased is held to be less than 40 years of age, addition in income for future prospects would be @ 40% and admissible multiplier to be 15.

The Tribunal has assessed income of the deceased at Rs.8100/- per month by treating the deceased as a labourer. It appears that income of the deceased has been assessed on the basis of Deputy Commissioner's rates in place of minimum wage of Rs.6660/- available at the relevant time. Counsel for the appellants would fairly inform that in case income of the deceased is assessed on the basis of minimum wage and compensation allowed under conventional heads is restricted to Rs.70,000/-, there would

be no gain to the claimants even if age of the deceased is held to be 39 years and accordingly addition in income for future prospects and multiplier is applied. That being so, there is no justification for allowing compensation more than what has been assessed by the Tribunal.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

02.04.2019

ashok

(REKHA MITTAL)
JUDGE

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