

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

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FAO-5223-2015 (O&M)

Date of decision: 17.01.2019

ANITA & ORS

... Appellants

Versus

POPAT BHAI N CHAUDHARI & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashwani Gaur, Advocate for the appellants.
Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Pawan Kumar in a motor vehicular accident that took place on 30.06.2014.

The Tribunal has awarded compensation of Rs.13,97,500/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Addition in income for future prospects	50%
3. Multiplier	17
4. Deduction for personal expenses	1/4 th
5. Loss of dependency	Rs.11,47,500/-
6. Expenses on funeral	Rs.25,000/-
7. Loss of estate	Rs.25,000/-
8. Loss of love and affection to claimants No.2 and 3	Rs.1,00,000/-
9. Loss of consortium	Rs.1,00,000/-

When the case is examined in the light of latest judgments of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, there is no scope for allowing compensation more than what has been awarded by the Tribunal even if income of the deceased is assessed at Rs.5600/- per month on the basis of minimum wage available at the relevant time. Counsel for the appellants has failed to make out a case that claimants can be allowed compensation more than that awarded 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.

17.01.2019

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No