

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

FAO-4388-2016 (O&M)

Date of Decision: 24.7.2019

Harvinder Singh Jalvi and othersAppellants

Versus

Dharminder Kaushal and anotherRespondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Ms.Gunjan Gera, Advocate for
Mr. Fariad Singh Virk, Advocate, for the appellants.

Mr. Vinod Gupta, Advocate, for the Insurance Company.,

NIRMALJIT KAUR, J. (ORAL)

The present appeal has been filed for enhancement against the award dated 15.10.2015 passed by the Motor Accident Claims Tribunal, Patiala (for short, the Tribunal'), vide which, an amount of ₹ 8,35,000/- was awarded.

While praying for enhancement of compensation, learned counsel for the appellants submitted that the income of the deceased is taken 5,000/- per month, whereas, it should have been ₹ 6,000/- per month. It is not disputed that while calculating the income of the deceased, the same was assessed as per the minimum wages fixed by the Government as per the judgment of Hon'ble the Apex Court rendered in the case of Rajan vs. Soly Sebastian and others, 2015(3) RCR (Civil) 962.

In these circumstances, this Court finds no fault in the award passed by the Tribunal fixing the income of the deceased ₹5,000/- per month.

The second argument raised by learned counsel for the appellant is that the amount granted towards the conventional head is on the

lower side. There may be merit in the said argument in view of the judgment of Hon'ble the Apex Court in Magma General Insurance Co. Ltd. vs. Nanu Ram alias Chuhru Ram and others, 2018(4)RCR (Civil) 333, as each of the claimants is entitled maximum ₹ 40,000/-. There being three claimants, the claimants are entitled to at least ₹ 1,20,000/-. However, this Court cannot loose sight of the fact that the future prospects should have been 40%, whereas, 50% was awarded by the Tribunal. In case, the same is taken at 40% and the amount under the conventional head is taken as ₹ 1,20,000/-, compensation awarded to the claimants would almost balance out.

In view of the above, this Court does not deem it proper to interfere with the award of the Tribunal.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

24.7.2019
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No