

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

FAO No. 5685 of 2015 (O&M)

Date of decision : January 15, 2019

Yogita and others

Versus

.....Appellants

Balmiki Sahani and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.L. Barwala, Advocate
for the appellant.

None for respondent No. 1.

Service of respondent No. 2 dispensed with.

Mr. Drupad Sangwan, Advocate for
Mr. Amit Bansal, Advocate
for respondent No. 3.

Mr. Akash Sridhar, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No. 4.

LISA GILL, J.

Present appeal has been filed by the claimants for enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as the 'Tribunal') on account of death of Pawan Kumar vide award dated 27.08.2014.

The claimants i.e. widow, children and parents of the deceased filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Pawan Kumar on 11.03.2010 in a motor vehicle accident. There is no dispute that the deceased Pawan Kumar, working as a contract JBT teacher with the Government School Uttawar, District Palwal, was earning a sum of ₹10,000/- as salary. He was 30 years old at the time of the accident. Increment of 50% towards future prospects was awarded. Multiplier of 16 was applied and deduction of 1/3rd was

effected. Learned Tribunal awarded a sum of ₹20,97,000/- with interest at the rate of 7.5% per annum from the date of filing of the claim petition till date of actual realisation of the award. Additionally, a sum of ₹1,00,000/- on account of loss of consortium was awarded and a sum of ₹1,00,000/- on account of loss of love and affection besides a sum of ₹25,000/- on account of funeral expenses.

Sole argument raised by learned counsel for the appellant is that deduction in this case should have been 1/4th instead of 1/3rd as effected by the learned Tribunal. There is nothing on record to show that the parents of the deceased at the time of the accident were dependent upon Pawan Kumar (deceased). Father of the deceased was 55 years old and his mother 52 years old at that time. Moreover, it is noticed that in case, increase of 50% on account of future prospects is reduced to 40% in view of the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited versus Pranay Sethi and others 2017 (4) RCR (Civil) 1009**, the amount which may be increased on that count would be offset accordingly. Therefore, I do not find any ground whatsoever for any enhancement in the compensation already afforded to the claimant-appellant.

Accordingly, the present appeal is dismissed with no order as to cost.

January 15, 2019
rts

(Lisa Gill)
Judge

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