

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

FAO No. 5104 of 2016 (O&M)

Date of decision : March 05, 2019

Smt. Rani and others

.....Appellants

Versus

Balwant and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashok K. Sharma Bhana, Advocate
for the appellants.

Mr. Rohit Goswami, Advocate for
Ms. Alka Joshi, Advocate
for respondent No. 3.

LISA GILL, J.

Present appeal has been filed by the claimants for enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Jind (hereinafter referred to as the 'Tribunal') on account of death of Ram Mehar vide award dated 01.02.2016..

Brief facts necessary for adjudication of the case are that the claimants i.e. widow, minor children and mother of the deceased filed a petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Ram Mehar in a motor vehicle accident, which took place on 03.10.2014 due to driving of the offending vehicle Maruti car bearing registration No. HR-23-C-2006 by respondent No.1, in a rash and negligent manner. The deceased, aged 28 years at the time of the accident was stated to be a labour contractor, earning a sum of ₹12,000/- per month.

Learned Tribunal on consideration of the facts and evidence on

record held that the accident in question took place on 03.10.2014 due to rash and negligent driving of the offending Maruti car bearing registration No. HR-23-C-2006 by respondent No. 1. Income of the deceased was assessed as ₹6,000/- per month while treating him to be a casual labourer in the absence of specific documentary proof regarding his income and vocation. 50% increment was afforded on account of future prospects.

Learned Tribunal afforded compensation to the appellants detailed as hereunder:-

<i>Sr. No.</i>	<i>Particulars</i>	<i>Amount in ₹</i>
1.	Income of the deceased	6,000/- per month
2.	50% increment on account of future prospects	9,000/- per month
3.	Deduction of 1/4 th income on account of own expenses of deceased	6,750/- per month
4.	Multiplier applied	18
5.	Loss of dependancy to the appellant (6750x12x18)	14,58,000/-
6.	Loss of consortium	1,00,000/-
7.	Loss of care and guidance	25,000/-
8.	Funeral expenses	25,000/-
	Total	16,08,000/-

Learned counsel for the appellant does not raise any serious argument regarding income of the deceased to be higher than as assessed by the learned Tribunal. He is unable to point out any such evidence on record which indicates the deceased to be earning more than the amount assessed by the learned Tribunal i.e. ₹6,000/- per month. It is noticed that minimum wages in the State of Haryana at the time of accident were about ₹5,600/- per month. Thus, income of the deceased as assessed i.e. ₹6,000/- per month is upheld. In terms of judgment of the Hon'ble Supreme Court in **National Insurance Company Limited versus Pranay Sethi and others 2017 (4)**

40% should be afforded in respect to the person who was 28 years old at the time of death, however, 50% increment has already been afforded on account of future prospects by the learned Tribunal. Compensation awarded under the conventional heads also does not call for any enhancement.

Learned counsel for the appellant is unable to point out any ground for enhancement of compensation awarded by the learned Tribunal.

No other argument has been raised.

Accordingly, this appeal is dismissed with no order as to costs.

March 05, 2019
rts

(Lisa Gill)
Judge

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