

In the High Court of Punjab and Haryana at Chandigarh

FAO- 5713 of 2016
Date of Decision: 3.4.2019

Oma and others

---Appellants

versus

Nand Kishore and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Y.D.Kaushik, Advocate
for the appellants

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Raj Pal in a motor vehicular accident that took place on 20.8.2014.

The Motor Accidents Claims Tribunal, Faridabad (in short “the Tribunal”) has awarded Rs.15,78,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 7600/-
Addition in income for future prospects	30%
Deduction for personal expenses	1/5 th
Multiplier	14
Loss of dependency	Rs. 13,27,872 (rounded off to Rs. 13,28,000/-)
Funeral and transportation expenses	Rs. 50,000/-
Loss of consortium	Rs. 1,00,000/-
Loss of care and affection	Rs. 1,00,000/-

The Tribunal has allowed benefit of increase in income for future prospects @ 30% as against 25 % admissible in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs.**

Pranay Sethi and others 2017 SCC 1270. Even deduction for personal expenses is less than what can be allowed in the light of judgment of Hon'ble the Supreme Court **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298.** Compensation allowed under conventional heads is much more than what can be allowed in the light of judgments of Hon'ble the Supreme Court **Pranay Sethi and others' case (supra)** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034.** In the given scenario, there is no justification for allowing additional compensation.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

3.4.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No