

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

FAO No. 8071 of 2015(O&M)

Date of decision: 13.9.2019

Menka Devi and others

.....Appellants

VERSUS

Manoj Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Bhavna Grewal, Advocate for the appellants.

None for respondents No.1 and 2.

Mr. Sanjeev Kodan, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

Counsel for the appellants would state that brief has been taken back by the appellants.

Claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Narnaul (in short 'the Tribunal') on account of death of Surat Singh in a motor vehicular accident that took place on 08.12.2014.

The Tribunal awarded Rs.15,49,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.9000/-
Deduction for personal expenses	1/3 rd
Multiplier	17
Loss of dependency	Rs.12,24,000/-
Funeral expenses	Rs.25000/-
Loss of consortium to the widow	Rs.1,00,000/-
Loss of love and affection for the children	Rs.2,00,000/-

The plea of claimants is that deceased was Mason by profession thereby earning Rs.15,000/- per month. However, they failed to produce sufficient evidence on record to prove avocation and income of the deceased. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.6000/- per month. Claimants shall be entitled to addition in income for future prospects @ 40%. Deduction for personal expenses and multiplier applied by the Tribunal is correct and affirmed. In case, loss of dependency is calculated in view of the aforesaid and compensation under conventional heads is restricted to Rs.70,000/- in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270**, net result would be reduction of compensation assessed by the Tribunal. In the given scenario, there is no justification for allowing additional compensation.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed.

SEPTEMBER 13, 2019

'D. Gulati'

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no