

228

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

**FAO No.7435 of 2016
Date of Decision : 22.04.2019**

Geeta and another

Appellants

Versus

Major Singh and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Mrigank Sharma, Advocate
for the appellants.

Dr. Deepak Jindal, Advocate
for respondent No.3.

AVNEESH JHINGAN, J (Oral)

The present appeal has been filed by the parents of Love Kumar (deceased) against award dated 01.12.2015 passed by Motor Accident Claims Tribunal, Jalandhar seeking enhance of compensation awarded under Section 166 of the Motor Vehicles Act, 1988.

The only grievance raised in the present appeal is that though compensation has been awarded under the conventional heads, no amount has been awarded for loss of estate and love and affection.

From the perusal of the award it is evident that the claimants failed to prove occupation and monthly earning of the

deceased. The deceased was considered as a labourer and his income was assessed relying upon the minimum wages prevalent in the State at the time of accident. The Tribunal awarded 50% future prospects whereas as per decision of the Supreme Court in National Insurance Company Limited Vs. Pranay Sethi and others AIR 2017 SC 5157 and Hem Raj Vs. Oriental Insurance Company Ltd. 2018 (2) PLR 480, 40% future prospects were to be awarded.

Further, the claimants were entitled to ₹15,000/- for loss of estate and no amount is to be awarded for loss of love and affection as per decision of the Supreme Court in Pranay Sethi's case (supra).

Since excess amount has been awarded for future prospects, no scope for further enhancement is there.

The appeal is dismissed.

[AVNEESH JHINGAN]
JUDGE

April 22, 2019

pankaj baweja

- | | | |
|-------------------------------|---|-----|
| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |