

Learned counsel for the claimants has challenged the award passed by the Tribunal primarily on the ground that insufficient and inadequate compensation has been awarded by the learned Tribunal by holding the income of the deceased Bharat Singh aged 65 years as Rs.6,000/- per month, which in fact should have been assessed at Rs.10,000/- per month since the deceased was a farmer having 8 acres of land from which he was earning approximately Rs.20,000/- per month.

On the other hand, learned counsel representing the insurance company has submitted that compensation awarded is not only adequate but on the higher side.

After hearing submissions of the learned counsel for the parties and perusing the case file, I am of the opinion that the compensation awarded by the Tribunal is in consonance with the judgment rendered in ***National Insurance Company Ltd. vs. Pranay Sethi, 2017 SCC 270.*** Rather I am in agreement with the contention of the learned counsel for the respondent-insurance company that the compensation awarded by the Tribunal under various conventional heads i.e. loss of consortium, loss of love and affection, funeral expenses and transport charges is on a much higher side besides there also being no evidence to substantiate the claim that the deceased was earning Rs.20,000/- per month from cultivation. Hence, no interference is warranted in the impugned award passed by the Tribunal.

Consequently, the appeal stands dismissed.

28.11.2019

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(Manjari Nehru Kaul)
Judge

Whether speaking/non-speaking?

Yes/No

Whether reportable?

Yes/No