

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

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FAO No.7725 of 2016 (O&M)

Date of decision: 25.01.2019

SUNITA RANI @ MATHRI AND ANR.

... Appellants

Versus

NARESH KUMAR AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vikas Kumar, Advocate for
Mr. Deepak Chaudhary, Advocate for the appellants.
Mr. Varun Sharma, Advocate for
Mr. Satpal Dhamija, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Mukesh in a motor vehicular accident that took place on 09.01.2015.

The Tribunal has awarded compensation of Rs.13,46,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.8000/-
2. Addition in income for future prospects	50%
3. Multiplier	18
4. Deduction for personal expenses	50%
5. Loss of dependency	Rs.12,96,000/-
6. Expenses on funeral	Rs.25,000/-
7. Medical expenses	Rs.1,66,039/-

Though the Tribunal in para 33 has awarded compensation to the tune of Rs.13,21,000/- but in para 37, there is reference to compensation of Rs.13,46,000/- whereby another sum of Rs.25,000/- has been added to compensation calculated as per para 33 of the award. When the case is examined in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**, there is no justification for allowing compensation more than what

has been assessed by the Tribunal.

For the foregoing reasons, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

25.01.2019
ashok

(REKHA MITTAL)
JUDGE

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