

FAO No. 2043 of 2017 (O&M)

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

FAO No. 2043 of 2017 (O&M)

Date of Decision: May 28, 2019

Vidya Devi and others

..... Appellants(s)

Versus

Samunder Singh and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Navmohit Singh, Advocate
for the appellants.

LISA GILL, J. (oral)

This appeal has been filed seeking enhancement of compensation awarded to the appellants-claimants vide award dated 17.05.2016, passed by learned Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'the Tribunal) on account of death of Mohan Lal.

Claimants i.e. widow and four children, two of them minor, filed a petition under Section 140 and 166 of the Motor Vehicles Act, 1988 claiming compensation on account of death of Mohan Lal, due to the injuries received by him in the motor vehicle accident, which took place on 08.01.2014, due to the rash and negligent driving of the offending car bearing registration No. HR-21G-3637, by its driver Samunder Singh-

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respondent no.1. The deceased, aged 55 years was claimed to be a labourer, earning Rs.10,000/- per month. Learned Tribunal on depreciation of evidence on record concluded that Mohan Lal died of the injuries received by him in the motor vehicle accident, which took place on 08.01.2014, due to the rash and negligent driving of the offending car bearing registration No. HR-21G-3637 by its driver Samunder Singh - respondent no.1. Age of the deceased was assessed as 55 years on the basis of the Aadhar Card (Mark R-3) as well as the voter identity card (Mark R-2). Learned Tribunal assessed the income of the deceased to be Rs.6,600/- per month and awarded a sum of Rs.9,76,410/-, which is detailed as under:-

<i>Sr.No.</i>	<i>Heads of Claim</i>	<i>Amount</i>
1.	Income # 6,600 x 12	79,200/- per annum
2.	Total income after addition at the rate of 15% on account of future prospects	79,200+11,880 (79,200 x 15%) = 91,080/-
3.	Income after deducting 1/4 th on account of personal and living expenses of the deceased.	91,080 – 22,770 = Rs. 68,310/-
4.	Total dependency after applying a multiplier of 11	68,310 x 11 = 7,51,410/-
5..	Loss of consortium to claimant no.1	1,00,000/-
6.	Loss of love and affection to claimants no.2 to 6	1,00,000/-
7.	Funeral expenses	25,000/-
	Grand Total	Rs. 9,76,410/-

Present appeal has been filed seeking enhancement of the aforesaid compensation.

I have heard learned counsel for the appellant.

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Learned counsel for the appellants is unable to point out any evidence on record to indicate the deceased to be earning the income higher than what has been assessed by the learned Tribunal. In fact, the minimum wage in the State of Haryana as on 01.01.2014 was Rs.5,547/- per month. 15% increment on account of future prospects has been awarded by the learned Tribunal. Keeping in view the guidelines of Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680** and **Magma General Insurance Company Ltd. v. Nanu Ram Alias Chuhru Ram & Ors. 2018(4) RCR Civil 333**, no ground is made out for any enhancement in the compassionate already awarded by the learned Tribunal.

Therefore, there is no illegality, infirmity or perversity in the impugned award dated 17.05.2016, passed by the learned Motor Accidents Claims Tribunal, Kurukshetra, which calls for any interference by this Court.

There is a delay of 64 days in filing of this appeal as well as delay of 1 day in re-filing of this appeal. As the appeal has been adjudicated upon on merits, decision on the applications for condonation of delay is rendered academic. Applications are disposed of accordingly.

Appeal is accordingly dismissed with no order as to costs.

May 28, 2019.

Sunil

**(LISA GILL)
JUDGE**

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