

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

F.A.O. No.2285 of 2017(O&M)

Date of Decision: 05.12.2019

Mallick Anjali and another

.....Appellants.

Versus

Chaman and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. S.K.Tripathi, Advocate
for the appellants.

Service upon respondents no.1 and 2, already dispensed with
vide order dated 11.09.2019.

Mr. Akash Sridhar, Advocate
for Mr. Ashwani Talwar, Advocate
for respondent no.3.

LISA GILL, J (Oral).

CM-7616-CII of 2017.

Heard.

Keeping in view the averments in the application as well as
arguments addressed, delay of 59 days in filing of this appeal is condoned.

Application is disposed of.

FAO No. 2285 of 2017

Appellants-claimants, seek enhancement of compensation
awarded by the learned Motor Accident Claims Tribunal, Gurgaon (for short
'tribunal'), vide impugned award dated 18.08.2016, on account of death of
Mallick Upen.

Appellant-claimants filed a petition under Section 166 of the
Motor Vehicles Act (for short 'Act'), seeking compensation on account of
death of Mallick Upen, due to the injuries received by him in the motor

vehicle accident, which took place on 25.09.2014, due to the rash and negligent driving of respondent no.1-Chaman.

Appellants-claimants, are the widow and minor son of the deceased.

Deceased was claimed to be 57 years old at the time of accident and working as a House Keeper in M/s Sky Tech House Keeping Company, getting a salary of ₹8000/- per month, besides earning a sum of ₹5000/- while working as a cleaner in the society.

Learned tribunal, while considering the salary certificate as proved by PW-5-Pankaj, held that the deceased was earning a sum of ₹7577/- per month. Certain allowances i.e., conveyance and washing allowances, were deducted and income of the deceased was assessed as ₹6577/- per month. Claim of the appellants that the deceased was earning an additional sum of ₹5000/- while working as a cleaner in the society, was rejected due to lack of evidence on record.

Learned tribunal while accepting the deceased to be 57 years old, awarded a sum of ₹8,37,684 (₹8,38,000/- in round figure), which is detailed as under:-

1.	Total income of deceased	₹6577/- p.m.
2.	Addition towards future prospects	15%
3.	Deduction	1/ 4 th
4.	Multiplier	9
5.	Loss of dependency	₹6,12,684/-
6.	Funeral expenses	₹25,000/-
7.	Loss of consortium	₹1,00,000/-
8.	Love and affection	₹1,00,000/-
	Total	₹8,37,684/- (in round figure ₹8,38,000/-)

Aggrieved therefrom, this appeal has been filed seeking enhancement of compensation to the claimants.

Heard learned counsel for the parties.

Learned counsel for the appellants, is unable to point out any evidence on record to indicate the deceased to be earning an additional sum of ₹5000/- per month as is pleaded. Learned counsel is further unable to deny that in case, the allowances which have been deducted from the total salary, being received by the deceased, are added and the compensation re-calculated in terms of the judgement of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors. 2017(4) R.C.R.(Civil) 1009**, total compensation awarded to the claimants, cannot be enhanced.

Accordingly, no interference is called for in the impugned award dated 18.08.2016, passed by the learned tribunal, Gurgaon, at the instance of the appellants-claimants.

No other argument has been raised.

Appeal is accordingly dismissed with no order as to costs.

05.12.2019
s.khan

[LISA GILL]
Judge

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