

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 235 of 2017(O&M)

Date of Decision: April 08 , 2019.

Kamlesh and another

..... APPELLANT (s)

Versus

Kuldeep and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Hitesh Kumar Sammi, Advocate
for the appellants.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Sonipat (for short, “the Tribunal”) vide award dated 26.07.2016.

Petition under Section 166 of the Motor Vehicles Act, 1988 was filed by the appellants claiming compensation on account of death of Ballu Ram, who lost his life in a motor vehicle accident which took place on 30.07.2015. Learned Tribunal on consideration of the facts and evidence on record, concluded that the accident, in question, occurred due to rash and negligent driving of offending truck bearing registration No.HR-67A-0856 by its driver –Kuldeep.

Perusal of the impugned award shows that income of the deceased-

Ballu Ram was assessed by the learned Tribunal taking him to be an unskilled labourer. Increment of 30% on account of future prospects was afforded, though the deceased was 49 years old at the time of his death. ₹1,00,000/- was awarded as loss of consortium for the widow. Another sum of ₹1,00,000/- was awarded on account of loss of care and guidance to the minor children, besides, ₹25,000/- on account of funeral expenses.

Learned counsel for the appellants has made a valiant effort to argue that income of the deceased has been wrongly assessed as ₹5,886/- per month, whereas deceased-Ballu Ram was earning much more while working as a mason. However, I am unable to agree with this submission, keeping in view the fact that there is not an iota of evidence to indicate the vocation or the exact income earned by the deceased. In such a situation, learned Tribunal has rightly proceeded to treat deceased-Ballu Ram as an unskilled labourer and assessed his income accordingly in terms of the notification issued by the State of Haryana for the relevant period.

It is further noticed that increment at the rate of 30%, instead of 25% in terms of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680**, has been afforded. Sum of ₹1,00,000/- each on account of loss of consortium to the widow and loss of care and guidance to the minor children, as well as ₹25,000/- towards funeral expenses, as noticed above, have been awarded by the learned Tribunal. I do not find any scope, whatsoever, for enhancement of the compensation awarded to the claimants/appellants.

Learned counsel for the appellants is unable to point out any

illegality, infirmity or perversity in the impugned award dated 26.07.2016 passed by the learned Motor Accident Claims Tribunal, Sonipat which calls for interference by this Court.

Appeal is accordingly, dismissed with no order as to costs.

April 08 , 2019.
'om'

(LISA GILL)
JUDGE

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