

FAO No. 237 of 2017 (O&M)

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

FAO No. 237 of 2017 (O&M)

Date of Decision: March 11, 2019

Smt. Beermati and others

..... Appellants(s)

Versus

Surender Singh and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

LISA GILL, J. (oral)

This appeal has been filed seeking enhancement of the compensation awarded to the claimants vide award dated 02.03.2016, passed by learned Motor Accidents Claims Tribunal, Kurukshetra (hereinafter referred to as 'the Tribunal').

In the claim petition filed by the appellants i.e. widow, four minor children and widowed mother of the deceased, learned Tribunal held that Dharambir died in a motor vehicle accident, which took place on 04.09.2014, due to the rash and negligent driving of the offending car bearing registration No. HR-07-T-9880, by its driver Surender Singh - respondent no.1. Learned Tribunal while referring to the notification of the Labour Department, Haryana, while considering the deceased to be a driver of the light motor vehicle, assessed income of the deceased to be Rs.9,000/- per month and awarded a compensation of Rs.21,93,900/- along with interest of 9% per annum from the date of institution of claim petition till the realization,

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the detail of which is as here under:-

<i>Sr.No.</i>	<i>Heads of Claim</i>	<i>Amount</i>
1.	Income	9,000/- per month
2.	30% of income to be added as future prospects	$9,000 + 2,700 = 11,700$ /- per month
3.	$\frac{1}{4}^{\text{th}}$ of column (2) deducted as personal and living expenses of deceased	$11,700 - 2925 = 8,775$ /- per month
4.	Annual income of the deceased	$8775 \times 12 = 1,05,300$ /-
5.	Compensation after multiplier of 13 is applied	$1,05,300 \times 13 = 13,68,900$ /-
6.	Loss of consortium (to wife)	1,00,000/-
7.	Loss of love and affection (for children) @ Rs.1,00,000/- each	6,00,000/-
8.	Loss of estate (to mother)	1,00,000/-
9.	Funeral Expenses and transportation.	25,000/-
	Total compensation awarded	21,93,900/-

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

I have heard learned counsel for the appellants.

Learned counsel for the appellants has not raised any serious argument regarding the deceased earning an income more than as assessed

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by the learned Tribunal. There is indeed no evidence on record to indicate the deceased to be earning an income of more than Rs.9,000/- per month. In view of the pronouncements of the Hon'ble Supreme Court on the subject, there is no scope of any further enhancement of the compensation awarded to the claimants.

No other argument has been addressed.

There is a delay of 124 days in filing of this appeal. As the same has been adjudicated upon on merits, decision on the application for condonation of delay is rendered academic.

Application is disposed of accordingly.

Appeal is accordingly dismissed with no order as to costs.

March 11, 2019.

Sunil

**(LISA GILL)
JUDGE**

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