

**FAO No. 2570 of 2017 (O&M)**

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

**FAO No. 2570 of 2017 (O&M)  
Date of Decision: October 23, 2019**

National Insurance Company Limited

..... Appellants(s)

**Versus**

Reeta and others

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Gopal Mittal, Advocate  
for the appellant.

None for respondents no.1 to 4, despite service.

Mr. Rajesh Duhan, Advocate  
for respondent no.5.

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**LISA GILL, J.(oral)**

This appeal has been filed by the insurance company challenging the award dated 09.02.2017, passed by learned Motor Accident Claims Tribunal, Sonipat (hereinafter referred to as 'the Tribunal) whereby compensation of Rs.15,21,000/- has been awarded to the claimants on account of death of Jagdish son of Dhajja Ram.

The claimants who are the widow, two minor sons and aged mother of the deceased had filed the petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of death of Jagdish, due to the injuries sustained by him in a motor vehicle accident, which took

place on 01.06.2016, due to the rash and negligent driving of the offending car bearing registration No. HR-08R-7121, by its driver Sunny Kharanger. Learned Tribunal while assessing income of the deceased to be Rs.6,000/- per month, awarded a sum of Rs.15,21,000/- as compensation to the claimants, which is detailed as under:-

| Sr. No. | Heads                                                                                | Calculations                                      |
|---------|--------------------------------------------------------------------------------------|---------------------------------------------------|
| 1.      | Income 6,000 x 12                                                                    | 72,000/- per annum                                |
| 2.      | Income after addition of 50% on account of future prospects.                         | 72,000 + (72,000 x 50%) = 1,08,000/- per annum    |
| 3.      | Income after deducting 1/4 <sup>th</sup> as personal living expenses of the deceased | 1,08,000 - 1/4 <sup>th</sup> = 81,000/- per annum |
| 4.      | Dependency after applying multiplier of 16                                           | 81,000 x 16 = 12,96,000/-                         |
| 5.      | Loss of consortium to claimant no.1                                                  | 1,00,000/-                                        |
| 6.      | Loss of consortium to claimants no.2 and 3                                           | 1,00,000/-                                        |
| 7.      | Cremation and last rites expenses                                                    | 25,000/-                                          |
|         | <b>Total</b>                                                                         | <b>15,21,000/-</b>                                |

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

Learned counsel for the appellant-insurance company submits that learned Tribunal has assessed income of the deceased on the higher side, however, he is unable to deny that even the minimum wage of an unskilled labourer in the State of Haryana at the time of the accident i.e. 01.06.2016 was Rs.7,976/- per month whereas learned Tribunal has assessed the income of the deceased to be Rs.6,000/- per month.

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Clearly there is no ground whatsoever to reduce the income of the deceased any further. It is to be noted at this stage that no appeal or cross-objection has been filed by the claimants, though, learned Tribunal has awarded increment towards future prospects @ 50% in view of the earlier judgment of Hon'ble Supreme Court in ***Rajesh and others v. Rajbir Singh and others (2013) 9 SCC 54*** and Rs.1,00,000/- was afforded as loss of consortium to the widow and Rs.1,00,000/- for loss of love and affection to the children and Rs.25,000/- for funeral expenses. Learned counsel for the appellant is unable to deny that in case, the income of the deceased is assessed with reference to the minimum wage of an unskilled labourer at the relevant time i.e. Rs.8,000/- per month, there is indeed no scope of any reduction in the amount of compensation, even if, it is reworked and recalculated in terms of **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680**.

Keeping in view the facts and circumstances of the case, I do not find any ground to interfere in the impugned award dated 09.02.2017 for the reduction of the total compensation awarded.

No other argument has been addressed.

Appeal is accordingly dismissed with no order as to costs.

**September 23, 2019.**

*Sunil*

**( LISA GILL )  
JUDGE**

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