

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-. -

FAO 3207 of 2017 (O&M)
Date of decision: 13.02.2019

Mohan Lal and another

.....Appellants

versus

Vikramjit Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Ashok Tyagi, Advocate
for the appellants

-. -

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Veena Rani in a motor vehicular accident that took place on 31.08.2014.

The Tribunal has awarded compensation of Rs.13,63,000.00, detailed hereunder:-

-Monthly value of her services	Rs.9,000.00
-Multiplier	11
-Loss of dependency	Rs.11,88,000.00
-Transportation of dead body, funeral and last rites	Rs.25,000.00
-Loss of consortium to husband	Rs.50,000.00
-Loss to estate	Rs.50,000.00
-Loss of love and affection to claimant No. 2	Rs.50,000.00

Compensation allowed by the Tribunal under conventional heads is much more than what can be allowed in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and*

others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034. There is no justification for increase of compensation qua loss of dependency. In the given scenario, it is difficult to accept contention of the appellants that compensation assessed by the Tribunal warrants addition on any scope whatsoever.

To be fair to the appellants, counsel has made a submission that the Tribunal has applied multiplier of 11 by considering age of the deceased as 54 years but in post mortem report, her age is stated to be 45 years. The Tribunal has determined age of the deceased on the basis of Aadhar Card Ex R2. The claimants have not disputed correctness of Aadhar Card Ex.R2. The Tribunal has rightly given primacy to Aadhar Card viz-a-viz age of deceased mentioned in post mortem report particularly in the circumstances that there is no evidence as to on whose information or basis age of the deceased was mentioned in post mortem report.

In view of what has been discussed here-in-before, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merit, application for condonation of delay in filing and re-filing the appeal is of academic relevance.

(Rekha Mittal)
Judge

13.02.2019
mohan bimbura