

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

FAO No. 3562 of 2017(O&M)

Date of Decision: July 18 , 2019.

Shimla and another

..... APPELLANT (s)

Versus

Shahzab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sandeep Kotla, Advocate
for the appellants.

LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of the compensation awarded to them vide by the learned Motor Accident Claims Tribunal, Panipat (hereinafter referred to as, the 'Tribunal') impugned award dated 03.01.2017.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as the 'Act') was filed by the claimants seeking compensation on account of the death of Dharam Singh, aged 60 years, in a motor vehicle accident which took place on 22.11.2015. Learned Tribunal on considering the evidence on record held that the accident took place due to the rash and negligent driving of bus No. PB-02W-9985 by respondent No.1.

Learned Tribunal assessed income of the deceased to be ₹5,813/- per month per month with reference to the minimum wage available to an unskilled labourer in August 2015 in the State of Haryana. It is held that there is no evidence on record to prove the vocation or exact income of the deceased.

Learned Tribunal awarded a total sum of ₹8,47,930/- alongwith interest @ 7.5% p.a., to the claimants, which is detailed as hereunder:-

Income	5,813 p.m.
Future prospects @ 30%	5,813+1,744 = 7,557
1/3 rd deduction	7,557 – 2,519 = 5,038
Multiplicand	5,038 x12 = 60,456
Multiplier of 9	60,456 x 9 = 5,44,104
Loss of consortium	1,00,000
Loss of love and affection	1,00,000
Funeral expenses	25,000
Medical expenses	78,826

Learned counsel for the appellants is unable to deny that there is no evidence on record to indicate that the deceased was earning an income, higher than as assessed by the learned Tribunal. He is unable to point out any ground, whatsoever, for enhancement of the compensation already awarded by the learned Tribunal, especially 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.**

No other argument has been raised.

In this view of the matter, I do not find any ground, whatsoever, to interfere in the impugned award dated 03.01.2017 passed by the learned Motor Accident Claims Tribunal, Panipat for enhancement of the compensation awarded to the claimants.

Consequently, this appeal is dismissed with no order as to cost.

July 18 , 2019.
'om'

(LISA GILL)
JUDGE

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