

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

FAO No. 4327 of 2017(O&M)

Date of Decision: October 30 , 2019.

Shri Ram and others

..... APPELLANT (s)

Versus

Dinesh Kumar and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ajay Aggarwal, Advocate for
Mr. Sandeep Goyat, Advocate
for the appellants.

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, Bhiwani (hereinafter referred to as, the 'Tribunal') vide impugned award dated 15.03.2017.

Claimants, who are the parents, widow and children of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of the death of Ugarsain in a motor vehicle accident which took place on 13.06.2015 due to the rash and negligent driving of Max vehicle bearing registration No.HR-61A-3823 by respondent No.1.

Learned Tribunal assessed income of the deceased to be ₹7,000/- per month and awarded a total compensation of ₹17,57,850/- to the claimants, which

is detailed as hereunder:-

Income		7,000 p.m.
Future prospects		30%
Deduction		1/4 th
Multiplier		14
Loss of dependency		Rs.11,46,600
Loss of consortium to spouse		1,00,000
Funeral expenses		25,000
Loss of estate		5,000
Loss due to absence of managerial skill		Rs.4,40,000

Aggrieved of the quantum of compensation, present appeal has been preferred by the claimants.

Learned counsel for the appellants argues that income of the deceased has been incorrectly assessed as ₹7,000/- per month, whereas the deceased was owner of 84 Kanals of land i.e., 10.5 acres. Meagre compensation has been awarded, which should be enhanced.

I have heard learned counsel for the appellants and have gone through the file.

It is a matter of record that the claimants pleaded the deceased to be an agriculturist and owner of 10.5 acres of land. Learned Tribunal while assessing income of the deceased as ₹7,000/- per month, afforded increment at the rate of 30% towards future prospects, which as of today has to be afforded at the rate of 25% keeping in view the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680.**

Additionally, a sum of ₹4,40,000/- was awarded to the claimants on account of loss due to absence of managerial skills. Minimum wage of an unskilled labourer

in the State of Haryana was ₹5,812/- per month and that of a skilled labourer, ₹5,942/- per month at the relevant time. There is no ground, whatsoever, to assess income of the deceased to be more, than what has been assessed by the learned Tribunal.

Learned counsel for the appellants is unable to point out any ground, whatsoever, for enhancement of the compensation awarded to the appellants by the learned Tribunal vide impugned award dated 15.03.2017.

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 15.03.2017 passed by the learned Motor Accident Claims Tribunal, Bhiwani for enhancement of the compensation awarded to the claimants.

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

October 30 , 2019.
'om'

(LISA GILL)
JUDGE

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