

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

276

FAO-4924-2017

Date of Decision : July 24, 2019

NIMRAT KAUR AND ORS

.....Appellant

VERSUS

DEVINDER SINGH AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Mohit Chaudhary, Advocate for
Mr. Kulwant Singh, Advocate
for the appellants.

Mr. Ravinder Arora, Advocate
for the respondent-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

The present appeal has been filed for enhancement of the amount awarded by the Motor Accident Claims Tribunal, Ludhiana vide award dated 29.11.2016.

While praying for enhancement, learned counsel for the appellant submitted that the income of the deceased has been taken on the lower side. The deceased was a combine driver and he was also doing the dairy farming business. His earning was Rs.30,000/- per month.

However, the argument that he was earning Rs.30,000/- per month is not supported by any documentary evidence except the statements of the wife of the deceased and one Sukhdev Singh. There is no income tax statement, no salary slip of income or any other document has been placed on record to show that his income was around Rs.30,000/- per month. Therefore, the income of Rs.9,000/- per month as

assessed by the Tribunal cannot be faulted with.

Learned counsel for the respondent-Insurance Company has infact pointed out that towards the conventional heads, the claimants have got more enhancement than they are entitled. As per the settled proposition of law rendered in the case of **National Insurance Company Limited vs. Pranay Sethi and others**, 2017 AIR(SC) 5157, the claimants are entitled to only Rs.70,000/- under the head of consortium and other conventional heads whereas they have been granted Rs.2,25,000/-. No cross objection in the appeal is filed by the Insurance Company. Hence, this Court is not inclined to reduce the same especially in view of the judgment rendered in the case of **Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram and others**, 2018(4) R.C.R. (Civil) 333., where Rs.40,000/- can be granted to each claimant.

In these circumstances, the total compensation so awarded to the claimants amounting to Rs.19,74,800/- is fair, just and well with settled proposition of law.

In view of the above, no ground for enhancement is made out.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

July 24, 2019
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No