

FAO No. 561 of 2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 561 of 2017 (O&M)

Date of Decision: November 13, 2019

Smt. Samina and others

..... Appellants(s)

Versus

Inshad and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ashish Gupta, Advocate
for the appellants.

LISA GILL, J.

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded to them vide award dated 29.04.2016, passed by learned Motor Accident Claims Tribunal, Mewat (hereinafter referred to as 'the Tribunal'), on account of death of Mohammed Ismail. The appellants are the widow and four minor children of the deceased.

Learned Tribunal while accepting the deceased to be 30 years old at the time of the accident, assessed his income to be Rs.5,547/- per month with reference to the minimum wage available to a skilled labourer. Compensation of Rs.13,97,960/- along with interest of 7.5% per annum was awarded to the claimants by the learned Tribunal, which is detailed as under:-

<i>Sr.No.</i>	<i>Heads of Claim</i>	<i>Amount</i>
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1.	Income	5,547/- per month
2.	Total income after addition at the rate of 50% on account of future prospects	$5,547 + 2,773 = 8,320/-$
3.	Income after 1/4 th deduction on account of personal expenses	$8320 - 2080 = 6,240/-$
4.	Total dependency after applying a multiplier of 17	$6,240 \times 12 \times 17 = 12,72,960/-$
5.	Loss of consortium to petitioner no.1 and loss of love and affection to petitioners no.2 to 5	1,00,000/-
6.	Transportation and last rites	25,000/-
	Grand Total	Rs.13,97,960/-

Learned counsel for the appellant fairly accepts that there is no evidence on record to indicate the deceased to be in receipt of an income more than what has been assessed by the learned Tribunal. He is further unable to deny that there is no scope for enhancement of the total compensation awarded to the claimants in view of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680.**

Therefore, there is no illegality, infirmity or perversity in the impugned award dated 29.04.2016, passed by the learned Motor Accidents Claims Tribunal, Mewat, which calls for any interference by this Court at the instance of the appellant.

No other argument has been addressed.

There is a delay of 125 days in filing of this appeal. As the same

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has been adjudicated upon on merits, decision on the application for condonation of delay is rendered academic. Application is disposed of accordingly.

Appeal is accordingly dismissed with no order as to costs.

November 13, 2019.

Sunil

**(LISA GILL)
JUDGE**

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