

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

FAO No. 390 of 2018(O&M)

Date of decision: 15.5.2019

Bhajan Kaur and anotherAppellants

VERSUS

Gurmel Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Amit Dhawan, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

CM No.1328-CII of 2018

Prayer in this application is for condoning delay of 22 days in re-filing the appeal.

Heard.

In view of averments made in the application, the same is allowed. Delay of 22 days in re-filing the appeal stands condoned.

Disposed of accordingly.

FAO No.390 of 2018

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Jalandhar (in short 'the Tribunal') on account of death of Sadhu Singh in a motor vehicular accident that took place on 31.01.2014.

The Tribunal awarded Rs.2,45,000/- detailed hereunder:-

Monthly income of the deceased	Rs.3000/-
Deduction for personal expenses	1/3 rd
Multiplier	5
Loss of dependency	Rs.1,20,000/-

Loss of consortium to the widow	Rs.1,00,000/-
Funeral expenses	Rs.25,000/-

Counsel for the appellants would argue that the deceased was an agriculturist, therefore, income assessed by the Tribunal is on lower side and needs enhancement.

The Tribunal, in para 15 of the award, has noticed that Sadhu Singh was owner of half share in land measuring 2 kanal 13 marlas and 1/180th share in 12 marlas meaning thereby that the deceased was a small land owner. The deceased was 73 years old at the time of occurrence. Taking into consideration that the land would be available to family of deceased coupled with age of the deceased, it is difficult to accept contention of the appellant that income of the deceased assessed by the Tribunal is on lower side and needs enhancement. This apart, appellants have been awarded a sum of Rs.1,25,000/- under conventional heads as against Rs.70,000/- admissible in the light of judgments of Hon'ble the Supreme Court National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270 and Sebastiani Lakra and others Vs. National Insurance Co. Ltd. and another, AIR 2018 SC 5034. In the given scenario, there is no justification for allowing additional compensation.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

MAY 15, 2019

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no