

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

**FAO No.7120 of 2017 (O&M)
Date of Decision: February 28, 2019.**

Rekha and others
.....APPELLANT(s).

VERSUS

Gurpal Singh and others
.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: None for the appellant (s).

Mr. Lalit Garg, Advocate
for respondent No.3.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as 'the tribunal') vide award dated 24.10.2016 allowed compensation of ₹15,04,000/- for death of Jaipal, husband of appellant No.1, father of appellants No.2 to 5 and son of appellant No.6, in a motor vehicle accident with dumper bearing registration No.UP-77T-7890.

As the only issue pressed in this appeal relates to quantum of compensation as awarded by tribunal, detailed facts of the case are being skipped for the sake of brevity.

The compensation awarded by the tribunal was computed as follows:-

(i)	Name of the deceased	Jai Pal
(ii)	Date of accident	29.04.2016

(iii)	Age of the deceased	43 years
(iv)	Income of the deceased	₹9000 p.m. i.e. ₹108000 p.a.
(v)	Deduction towards personal expenses @ 1/4 th	₹108000-27000=₹81,000/- p.a.
(vi)	Multiplier applied 14	₹81000X14 = ₹11,34,000/-
(vii)	Transportation and last rites	₹20,000/-
(viii)	Loss of consortium	₹100000
(ix)	Loss of love and affection for claimants No.2 to 6	₹50000 each i.e. ₹250000
<i>Total</i>		₹15,04,000/-

Learned counsel for the appellants has not appeared to address arguments.

Learned counsel for the respondent-insurance company has argued that the tribunal in the absence of any evidence, has assessed income of the deceased as unskilled worker. In the year 2016, minimum wages for the unskilled worker in the State of Haryana was ₹7,976/-. Even if, as per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 100***, 25% addition in the income of the deceased is allowed towards loss of future prospects of the deceased and compensation of ₹70,000/- under the conventional heads, total amount of compensation to which the claimants are entitled, works out to be less than ₹15,00,000/-. The tribunal has already awarded ₹15,04,000/- to the claimants, as such, there is no scope for further enhancement.

As per the letter of Labour Commissioner, Haryana dated 05.04.2016, minimum wages of the unskilled worker w.e.f. 01.01.2016 was ₹7,976/- but the tribunal has assessed the minimum income of the deceased by treating him as unskilled worker as ₹9,000/- per month. Even by taking

income of the deceased as ₹9,000/- per month and allowing addition of 25%

income of the deceased towards loss of future prospects and granting compensation of ₹70,000/- under the conventional heads as per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***, total amount of compensation to which the claimants are entitled, works out as follows:-

<i>Sl.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Income of the deceased	₹9000 per month
(ii)	25% of above (i) to be added as loss of future prospects	(₹9000+₹2250)= ₹11250 per month
(iii)	Deduction of 1/4 th towards personal expenses of the deceased	(₹11250-₹2812)= ₹8438 per month
(iv)	Compensation after multiplier of 14 is applied	(₹8438X12X14)= ₹1417584
(v)	Loss of consortium	₹40000
(vi)	Loss of estate	₹15000
(vii)	Funeral expenses	₹15000
<i>Total</i>		₹14,87,584/-

The tribunal has allowed compensation of ₹1,00,000/- towards loss of consortium to claimant No.1, ₹50,000/- each for loss of love and affection, guidance etc. to claimants No.2 to 6, to which they are not entitled as per the observations of Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***.

As the compensation awarded by the tribunal exceeds compensation to which the appellants-claimants are entitled, they are not entitled to any further enhancement. This appeal has no merits.

Dismissed.

February 28, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No