

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

FAO No. 7942 of 2017(O&M)

Date of Decision: December 17, 2019.

Bandana and others

..... APPELLANT (s)

Versus

Chand Parkash and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ram Pal Vema, Advocate
for the appellants.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This is an appeal preferred by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Sonipat (for short, the 'Tribunal') vide impugned award dated 15.05.2017 on account of death of Hansu Lal in a motor vehicle accident which took place on 03.09.2015. A petition under Section 166 of the Motor Vehicles Act, 1988 was filed by the appellants claiming compensation of ₹30,00,000/-. The deceased-Hansu Lal is claimed to be a helper in a factory situated at Industrial Area, Kundli, earning a sum of ₹9,000/- per month. It is further claimed that he was earning another sum of ₹3,000/- per month by working over-time.

Learned Tribunal on consideration of the facts and evidence on record concluded that the claimants have failed to prove the deceased-Hansu Lal to be working in a factory as pleaded. His income was accordingly assessed as ₹6,000/- per month with reference to the minimum wage of an unskilled labourer in the State of Haryana at the relevant time. The deceased was accepted to be 31 years old at the time of his death. A total compensation of ₹14,71,000/- was awarded to the appellants. An increment at the rate of 50% was afforded towards future prospects. Deduction to the extent of 1/4th was effected on account of personal expenses and multiplier of 16 was applied. ₹1,00,000/- was awarded to the claimant-widow on account of loss of consortium. ₹50,000/- was awarded towards loss of love and affection, besides, ₹25,000/- towards transportation and funeral expenses.

Learned counsel for the appellants is unable to point out any evidence on record to indicate that the deceased was indeed working as a helper in a factory at Kundli, thereby earning a sum of ₹12,000/- per month. None from the said factory has been examined. There is indeed no evidence to prove either the vocation or the exact income earned by the deceased. The minimum wage available to an unskilled labourer in the State of Haryana at the relevant time was ₹5,886/- per month. In this view of the matter, income of the deceased has been rightly assessed as ₹6,000/- per month by the learned Tribunal.

Learned counsel for the appellants is unable to point out any ground, whatsoever, for enhancement of the compensation awarded by the learned Tribunal, especially keeping in view the guidelines laid down by the Hon'ble Supreme Court in National Insurance Company Limited v. Pranay Sethi

and others, 2017(16) SCC 680.

No interference is called for in the impugned award dated 15.05.2017 passed by learned Motor Accident Claims Tribunal, Sonipat.

Keeping in view the fact that the matter has been decided on merits, the question of delay of 31 days in filing of this appeal has been rendered academic. Application is accordingly disposed of.

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

December 17 , 2019.
'om'

(LISA GILL)
JUDGE

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