

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

FAO No. 7996 of 2017(O&M)

Date of decision: 16.7.2019

Smt. Rakhi and others

.....Appellants

VERSUS

Saravjeet and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Sonapat (in short 'the Tribunal') on account of death of Man Singh in a motor vehicular accident that took place on 15.09.2015.

The Tribunal awarded Rs.13,77,000/- detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Addition in income for future Prospects	50%
Deduction for personal expenses	1/3 rd
Multiplier	16
Loss of dependency	Rs.11,52,000/-
Loss of love and affection, care and guidance to minor children	Rs.1,00,000/-
Loss of consortium	Rs.1,00,000/-
Expenses on funeral	Rs.25000/-

The plea of claimants is that deceased was earning Rs.20,000/- per month by working in M/s Crown Arts Printer and doing tuition work. The Tribunal has noticed that claimants did not produce any documentary evidence for proving income of the deceased. They did not examine a representative of M/s Crown Arts Printer for proving employment and income of the deceased. There is nothing on record suggestive of the fact that any document with regard to educational qualification of the deceased was produced on record. In the given scenario, income of the deceased assessed by the Tribunal cannot be enhanced.

The Tribunal has allowed addition in income for future prospects at the rate of 50% as against 40% admissible in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.** Even compensation under conventional heads has been allowed to the tune of Rs.2,25,000/- whereas admissible compensation is Rs.70,000/- in the light of judgment in **Pranay Sethi and others' case (supra).** In the given circumstances, there is no justification for allowing additional compensation to the claimants.

For the foregoing reasons, finding no merit, the appeal is dismissed. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

JULY 16, 2019

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no