In the High Court of Punjab and Haryana at Chandigarh

FAO No. 6019 of 2016(O&m)
Date of Decision: 22.4.2019

Smt. Savtri and others

---Appellants

versus

Hari Kishan and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ashok. K.Sharma Bhana, Advocate
for the appellants

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Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Lakhmi alias Satyawan in a motor vehicular accident that took place on 21.3.2014.

The Motor Accidents Claims Tribunal, Jind (in short "the Tribunal") awarded Rs.11,36,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 6,000/-
Addition in income for future prospects	30%
Deduction for personal expenses	1/3rd
Multiplier	15
Loss of dependency	Rs. 9,36,000/-
Loss of consortium and love and affection	Rs. 1,00,000/-
Loss of care and guidance for claimants No. 2 to 4	Rs. 25,000/-
Funeral expenses	Rs. 25,000/-
Medical bills	Rs. 50,000/-

The sole submission made by counsel for the appellants is that as application for compensation has been filed by widow, three minor children and mother of the deceased, therefore, admissible deduction for personal expenses should be 1/4th in place of 1/3rd.

The Tribunal has allowed addition in income for future prospects @ 30% as against 25% admissible in the light of of judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270.** Similarly compensation allowed under conventional heads is Rs. 80,000/- more viz-a-viz what can be allowed in the light of **Pranay Sethi and others' case (supra)** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**. If compensation is assessed by applying deduction of 1/4th but with modification in the light of aforesaid judgments qua future prospects and conventional heads, the net result would be reduction in compensation as compared to what has been allowed by the Tribunal. In the given circumstances, there is no justification for allowing additional compensation.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay in filing the appeal is of academic relevance.

(Rekha Mittal)
Judge

22.4.2019
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No