

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

**F.A.O. No.3640 of 2016(O&M)
Date of Decision: 26.03.2019**

Paramjit Kaur and others

.....Appellants.

Versus

Budh Ram and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sandeep Punchhi, Advocate
for the appellants.

LISA GILL, J (Oral).

This appeal has been filed by the appellants seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Sirsa (for short 'Tribunal'), vide award dated 28.08.2015 on account of death of Harmel Singh son of Hardam Singh in a motor vehicle accident which took place on 22.12.2012.

Claimants are the widow, minor children and parents of the deceased-Harmel Singh.

Petition under Section 166 of the Motor Vehicles Act (for short 'M.V.Act') was filed by the appellants-claimants seeking compensation on account of death of Harmel Singh son of Hardam Singh in a motor vehicle accident which took place on 22.12.2012 due to the rash and negligent driving of respondent no.1 Budh Ram. It was claimed that the deceased was

an agriculturist owning 25 acres of land beside maintaining a dairy, from which he was earning ₹30,000/- per month.

Income of the deceased was assessed as ₹6000/- per month. Increment of 50% was afforded on account of future prospects by the learned tribunal. Multiplier of 16 was applied. A sum of ₹1,00,000/- was awarded towards loss of consortium besides a sum of ₹25,000/- was awarded towards funeral expenses. ₹50,000/- was awarded for loss of love and affection for the children. Learned tribunal awarded a sum of ₹14,71,000/- along with interest @7.5% per annum from the date of filing of the claim petition till realisation of the amount to the claimants, the details of which are as under:-

Sr. No .	Heads of claim	Awarded by tribunal	total
1.	Income	₹6000/-	
2.	Add % of Income	50%	
3.	Deduction	1/ 4 th	
4.	Multiplierby 12 (Annual Income)	₹81,000/-	
5.	Multiplier	16	₹12,96,000/-
6.	Loss of consortium	₹1,00,000/-	₹1,00,000/-
7.	Loss of love and affection	₹50,000/-	₹50,000/-
8.	Funeral expenses	₹25,000/-	₹25,000/-
		Total.	₹14,71,000/-

Learned counsel for the appellant has made a valiant effort to argue that income of the deceased has been wrongly assessed as ₹6000/- per month, whereas he was earning a sum of ₹30,000/- per month. It is thus prayed that this appeal be allowed and compensation awarded to the

appellants be enhanced.

I have perused the file and heard learned counsel for the appellants.

Learned counsel for the appellants is unable to deny that there is indeed no evidence on record apart from the bald statement of PW-1-Paramjit Kaur, appellant no.1 to the effect that the deceased was earning a sum of ₹30,000/- per month. Ex.P-4 is the copy of the jamabandi for the year 2011-12. There is no evidence to show that he was running a dairy. Income of the deceased at best has to be taken as loss of managerial skills. Learned tribunal in the given facts and circumstances of the case has rightly assessed income of the deceased to be ₹6000/- per month.

Learned tribunal has afforded increment at the rate of 50% on account of future prospects. A sum of ₹1 lakh has been awarded on account of loss of consortium. A sum of ₹25,000/- has been awarded for funeral expenses and ₹50,000/- has been awarded for loss of love and affection for the children.

Learned counsel for the appellants is unable to point out any evidence on record to show that the appellants are entitled to any enhancement in this case. Therefore, keeping in view the facts and circumstances of the case, there is no ground whatsoever to interfere in the impugned award dated 28.08.2015 passed by the learned tribunal, Sirsa. This is so, especially in view of the judgements of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors. 2017(4) R.C.R.(Civil) 1009** and **Magma General Insurance Company Limited Vs. Nanu Ram @ Chuhru Ram and others, 2018(4) R.C.R**

(Civil), 333.

No other argument has been raised.

Learned counsel for the appellant is unable to point out any illegality or infirmity in the impugned award dated 28.08.2015 passed by the learned tribunal, Sirsa, which calls for interference by this Court at the instance of the appellants.

There is a delay of 108 days in filing of this appeal. Keeping in view the fact that the matter has been adjudicated on merits, question of delay in filing this appeal has been rendered academic. Application is accordingly disposed of.

Appeal is accordingly dismissed with no order as to costs.

26.03.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.