

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

FAO No. 10658 of 2018(O&M)

Date of decision: 22.7.2019

Noor Hassan and othersAppellants

VERSUS

Gurjinder Singh and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Wazir Singh, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Mohammad Khalid in a motor vehicular accident that took place on 01.06.2017.

The Motor Accidents Claims Tribunal, Karnal (in short 'the Tribunal') has awarded Rs.18,44,400/- detailed hereunder:-

Monthly income of the deceased	Rs.12,000/-
Addition in income for future prospects	40%
Deduction for personal expenses	50%
Multiplier	18
Loss of dependency	Rs.18,14,400/-
Loss of estate	Rs.15,000/-
Transportation and funeral expenses	Rs.15,000/-

Counsel for the appellants would argue that claim has been preferred by the parents and minor siblings of the deceased, therefore, deduction for personal expenses may be modified. Another submission

made by counsel is that compensation allowed under conventional heads may be enhanced in the light of judgment of Hon’ble the Supreme Court **Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram and others, 2018(4) RCR (Civil) 333.**

The deceased was unmarried son of Noor Hassan and Najo, claimants No.1 and 2. A minor sister and minor brother have also been arrayed as claimants in the application for compensation. There is nothing on record suggestive of the fact that Noor Hassan aged 53 years was dependent upon earning of the deceased, therefore, his minor children are to be treated as dependent on the deceased. In the given scenario, deduction for personal expenses allowed by the Tribunal is correct and affirmed. Similarly, there is no scope for enhancement of compensation under conventional heads when examined in the light of judgments of Hon’ble the Supreme Court by a Constitution Bench **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.** The three-Judge Bench in **Sebastiani Lakra and others Vs. National Insurance Co. Ltd. and another, AIR 2018 SC 5034** has affirmed conventional heads in consonance with the judgment in **Pranay Sethi and others case** (supra) and the said case was decided subsequent to decision in **Nanu Ram @ Chuhru Ram and others case** (supra). In this view of the matter, I do not find any reason to interfere in assessment made by the Tribunal.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

JULY 22, 2019
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

:

yes/no

Whether reportable

:

yes/no