

FAO- 3990 of 2019 (O&M)
Date of Decision: 8.1.2020

Smt. Manju Devi and others

---Appellants

versus

Rajesh Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Bir Singh in a motor vehicular accident that took place on 5.5.2018.

The Motor Accidents Claims Tribunal, Narnaul (in short “the Tribunal”) awarded Rs.18,84,400/-, detailed hereunder:-

Monthly income of the deceased	Rs. 9000/-
Addition in income for future prospects	40%
Deduction for personal expenses	1/4 th
Multiplier	16
Loss of dependency	Rs. 18,14,400/-
Funeral expenses	Rs. 15,000/-
Loss of estate	Rs. 15,000/-
Loss of consortium	Rs. 40,000/-

The plea of claimants is that deceased was earning Rs. 30,000/- per month by doing agriculture work and dairy farming. The Tribunal has noticed that no evidence has been led in this regard but assessed his income at Rs. 9000/- per month. When the case is examined in the light of notification issued by the State of Haryana fixing minimum wage at the

relevant time, income of deceased assessed by the Tribunal is more than minimum wage of unskilled labour. The other criteria adopted for assessing loss of dependency and compensation under conventional heads can not be faulted with when examined in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270** and **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298**. In this view of the matter, there is no justification for allowing additional compensation.

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

(Rekha Mittal)
Judge

8.1.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No