

FAO-4452 of 2019 (O&M)
Date of Decision: 4.3.2020

Binder Kaur and another

---Appellants

versus

Nirmal Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Vinod Kanwal, Advocate
for Mr. Rajesh Duhan, Advocate
for the appellants

Rekha Mittal, J.

The claimants are in appeal seeking additional compensation on account of death of Karamjit Singh in a motor vehicular accident that took place on 21.01.2016.

The Motor Accidents Claims Tribunal, Patiala (in short “the Tribunal”) awarded Rs. 12,39,600/-, detailed hereunder:-

Monthly income of the deceased	Rs. 8000/-
Addition in income for future prospects	40%
Deduction for personal expenses	50%
Multiplier	18
Loss of dependency	Rs. 12,09,600/-
Funeral expenses	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Counsel for the appellants would argue that as the deceased was mason by profession, income assessed by the Tribunal merits enhancement. In addition, it is argued that compensation under conventional heads has been allowed to the extent of Rs. 30,000/- but

mother of the deceased is entitle to filial consortium.

Indisputably, the appellants did not examine any witness to corroborate their version with regard to the deceased working as mason nor have they come up with a version as to for whom the deceased did masonry work. The claimants failed to adduce tangible evidence to prove that deceased was a skilled worker. The income assessed by the Tribunal is more than minimum wage of unskilled worker, as such, there is no justification for making addition in monthly income of the deceased.

The contention with regard to mother being entitle to filial consortium is not tenable when examined in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270.**

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, applications for condonation of delay in refiling and filing the appeal are of academic relevance.

(Rekha Mittal)
Judge

4.3.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No