

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-5465-2015 (O&M)

Date of decision: 06.03.2020

PRITAM SINGH AND ORS

... Appellants

Versus

GURMUKH SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.
Mr. Ram Avtar, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking additional compensation on account of death of Gurwant Singh in a motor vehicular accident that took place on 28.04.2013.

The Tribunal awarded Rs.13,74,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Addition in income for future prospects	50%
Multiplier	17
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.12,24,000/-
Expenses on funeral	Rs.25,000/-
Loss of estate	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-

The plea of claimants is that deceased was working as driver, doing business of property dealing and agriculture thereby earning Rs.15,000/- per month. Darshan Kaur, mother of the deceased appeared in the witness box but her testimony with regard to avocation and income of the deceased does not find corroboration from an independent source much less documentary evidence. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, there is no scope for assessing monthly income at a rate higher than what has been assessed by the Tribunal. The Tribunal has allowed addition in income for future prospects @ 50% as against 40% admissible in the given scenario. Even compensation allowed under conventional heads is more than what is permissible in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC**

1270. That being so, there is no scope for allowing additional compensation.

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

06.03.2020

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No