

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

221-2

FAO-6317-2015 (O&M)

Date of decision: 17.01.2020

KAVITA (MINOR) THR PRAHLADI AND ORS. ... Appellants

Versus

VINOD KUMAR AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sidhant Bhonsle, Advocate for
Mr. Abhilaksh Grover, Advocate for the claimants.

Mr. RK Bashamboo, Advocate
for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ravinder in a motor vehicular accident that took place on 23.07.2012.

The Tribunal awarded Rs.12,35,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.5000/-
Addition in income for future prospects	50%
Multiplier	18
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.12,15,000/-
Expenses on funeral and transportation	Rs.10,000/-
Loss of consortium	Rs.10,000/-

The sole submission made by counsel for the appellants is that Durga wife of late Sh. Ravinder has left the matrimonial home and performed second marriage. The minor daughters of the deceased are looked after by their old aged grandmother namely Prahladi claimant No.4. It is argued that minors may be given additional compensation so that they can take care of their needs throughout life.

Perusal of the award particularly calculations noticed hereinbefore would reveal that Tribunal has assessed income of the deceased at Rs.5000/- per month. Claimants failed to adduce satisfactory much less cogent evidence to prove avocation and income of the deceased.

When the case is examined in the light of notification issued by the State of

Haryana fixing minimum wage at the relevant time, there is no justification for assessing income at higher rate. The Tribunal has allowed addition of future prospects @ 50% as against 40% admissible in view of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. If future prospects are restricted to 40% but conventional heads are increased to Rs.70,000/-, the net result would be reduction in compensation. In this view of the matter, there is no justification for allowing additional compensation merely because the deceased had left behind two minor daughters.

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

17.01.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No