

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

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FAO No.7066 of 2016 (O&M)

Date of decision: 07.02.2020

RAJESHWARI DEVI AND ORS

... Appellants

Versus

SUNNY DAYAL AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Gulnaz Khan, Advocate for
Mr. Amit K. Goyal, Advocate for the appellants.
Mr. Pradeep Kumar, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking additional compensation on account of death of Mahender Singh Rana in a motor vehicular accident that took place on 29.07.2014.

The Tribunal awarded Rs.20,02,504/-, detailed hereunder:-

Monthly income of the deceased	Rs.8100/-
Addition in income for future prospects	50%
Multiplier	16
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.17,49,504/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-
Pain and sufferings	Rs.25,000/-
Transportation	Rs.3000/-
Loss of care and guidance	Rs.1,00,000/-

The plea of claimants is that deceased was working as a waiter in Laguna Rasoi Hotel at salary of Rs.15,000/- per month. They did not examine any witness from the said hotel to prove employment 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, income assessed by the Tribunal is much higher than minimum wage of a skilled person at the relevant time. The Tribunal has allowed addition in income for future prospects @ 50% as against 40% admissible in the circumstances. Compensation allowed under conventional heads is also much more than what can be allowed in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. In the given circumstances, there is no

justification for allowing additional compensation to the appellants.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

07.02.2020

(REKHA MITTAL)
JUDGE

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Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No