



FAO-5050-2016

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

FAO-5050-2016

Date of decision: 04.12.2024

KELAWATI AND ORS.

...APPELLANTS

VERSUS

NATHA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr.R.K.Agnihotri, Advocate for the appellants.

Mr. Sachin Gupta, Advocate
for respondent No.3-Insurance Co.

PANKAJ JAIN, J. (ORAL)

1. The claimants are in appeal seeking enhancement of the compensation awarded by MACT on account of death of Satbir in a motor vehicle accident. The Tribunal assessed the income of the deceased treating him as a skilled labourer relying upon notified minimum wages @ Rs.8100/- per month.

2. Learned counsel for the appellant submits that the Tribunal erred in treating the deceased as a daily wager. His services were being repeatedly used under sea by the companies engaged in extracting oil. Evidence to that effect was brought on record. The deceased was booked by IDEL SEATEK INDIA PVT LTD. on 18.01.2024 and 12.10.2013. He further submits that the deceased was, thus, engaged in super-skilled job. He further submits that nothing has been awarded on account of future prospects and thus, the impugned award needs to be modified.

3. Per contra, learned counsel for the respondent submits that even though the Form 26AS Ex. P-1/P-3 have been proved but the same do not, in any manner, prove the monthly income of the deceased. Thus, Tribunal rightly

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assessed the monthly income of the deceased taking into consideration DC rates.

4. I have heard learned counsel for the parties and have gone through the records of the case.

5. Indeed, the claimants proved on record that the deceased was engaged in highly skilled job. It has also been proved that he was engaged by a Corporate on two occasions i.e. 18.01.2014 and 12.10.2013. However, the same, in no manner, indicates about his annual income. No evidence was brought on record by the claimants to prove the income of the deceased. However, at the same time, it needs to be noticed that the deceased was a highly capable person.

6. In view of the above, merely on guess work, this Court finds that the monthly income of the deceased taken by the Tribunal as Rs.8100/- needs to be enhanced to Rs.12,000/- per month. Besides this, nothing has been awarded under the head of future prospects.

7. Keeping in view that the age of the deceased was 30 years. He is awarded 40% of future prospects. For the purpose of dependency, 1/4th cut needs to be applied. Rest of the award is maintained.

8. Disposed of accordingly.

9. Needless to say that claimants are also entitled for interest @ 9% per annum on the enhanced amount.

04.12.2024

*renubala***(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No