



FAO-4639-2017 (O&M)  
FAO-5174-2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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FAO-4639-2017 (O&M)

BABY SHARMA AND ORS.

... APPELLANTS

VERSUS

TIKA RAM AND ORS.

... RESPONDENTS

FAO-5174-2017 (O&M)

SIRI PAL SHARMA AND ANR.

... APPELLANTS

VERSUS

TIKA RAM AND ORS.

... RESPONDENTS

Date of decision : 04.02.2025

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Rajesh Goyal, Advocate for the appellants in FAO-4639-2017.

None for the appellant in FAO-5174-2017.

Mr. Pardeep Kumar, Advocate for respondent No.3.

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**Pankaj Jain, J. (Oral)**

1. The instant order shall dispose of two different appeals filed by the claimants, who filed common claim petition.
2. Claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of death of Bunty alias Vishal in a motor vehicular accident dated 16.12.2011. The issue involved in the appeal is only with respect to enhancement of the quantum of compensation awarded by MACT.
3. Counsel for the appellant submits that it has come on record as per the contents of the FIR that the deceased was working as a property dealer. He



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submits that since he was maintaining a car, he was doing good in his business and thus ought not have been assessed merely as an unskilled workman. However, the counsel admits that so far as income proof is concerned, there is nothing on record.

4. Keeping in view that the vocation of the deceased is not much in dispute and is evident from the contents of the FIR, this Court deems it appropriate to assess the income of the deceased as a semi-skilled workman. On the date of the accident i.e. 16.12.2011, the minimum notified wages for semi-skilled workman were Rs.5800/-.

5. Resultantly, the award is modified to the extent that the monthly income of the deceased be taken as Rs.5800/-. In terms of the ration of law laid down in **National Insurance Company Ltd. Vs. Pranay Sethi &Ors. [(2017) 16 SCC 680]**, claimants shall also be entitled to 40 per cent future prospects.

6. With the aforesaid modification in the impugned award, the instant appeals are allowed. It is further made clear that the apportionment inter se between the claimants i.e. the appellants in both the appeals shall abide by the observations made by the Tribunal in Para 20 of the impugned award.

7. Disposed off.

(PANKAJ JAIN)  
JUDGE

February 04, 2025  
A.Kaundal

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