

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1396 of 2001 (O/M)
Date of decision : 28.5.2015

Smt. Shakuntla Devi and others Appellants

Versus

Dilbagh Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.K. Tripathi, Advocate, for,
Mr. Jai Vir Yadav, Advocate, for the appellants.

Mr. D.P. Gupta, Advocate, for respondent No. 3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present appeal is the award dated 10.1.2000, passed by the Motor Accident Claims Tribunal, Gurgaon (in short 'the Tribunal').

Brief facts of this case are that on 26.6.1996, Jai Parkash, aged about 28 years, was going on a motorcycle bearing registration No. DL-65-5868 and when reached near Basant Kunj, Delhi, he was hit by truck bearing registration No. DIG-5429. The Tribunal took the view that since there was no evidence that the deceased was selling milk, therefore it assessed the income of the deceased at minimum wages at that time i.e. Rs. 2,100/- per month

and applied the multiplier of 18 and after deducting $1/3^{\text{rd}}$ as personal expenses calculated the dependency of the claimants as Rs. 1,400/- per month. Therefore, the amount of compensation on account of loss of dependency comes to Rs. 1,400/- x 12 X 18 = Rs. 3,02,400/-. Rs. 5,000/- on account of funeral expenses and Rs. 2,000/- on account of transportation charges were also allowed.

Learned counsel for the appellants has contended that the income of the deceased was assessed on the lower side. He has referred to the record book of sale of milk (Ex.P2). However, the alleged said record book of sale of milk is only for the years 1994 and 1996 and in between, there is no record of year 1995. Therefore, the said diary (Ex.P2) was rightly not relied upon by the Tribunal.

In this case, the deceased was found to be 29 years of age and multiplier of 18 was applied, which is on the higher side. However, since there is no cross appeal, this Court does not interfere in the said findings.

The learned counsel for the appellants has further argued that funeral expenses are on lower side. No compensation on account of loss of consortium to wife and loss of love and affection to the children was awarded.

Keeping in view the facts and circumstances, funeral expenses are enhanced by Rs. 20,000/-. Keeping in view the fact that the accident was of 1996, Rs. 50,000/- on account of loss of

consortium to the wife and another sum of Rs. 1,00,000/- for loss of love and affection and guidance to children are allowed. The total compensation is enhanced by Rs. 1,70,000/-. The total enhanced compensation shall be paid by the insurance company with interest @ 7.5% per annum from the date of filing of the claim petition till its realization.

Accordingly, the present appeal is allowed in above terms.

(KULDIP SINGH)
JUDGE

28.5.2015
sjks