

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

FAO-4123-2013 (O&M)

Date of Decision: 23.7.2015

Channo Devi & Ors.

.....Appellants

Versus

Vijay Pal & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

Present:- Mr. Parmod Chauhan, Advocate for
Mr. M.S. Kathuria, Advocate
for the appellants.

Mr. V. Ramswaroop, Advocate
for respondent No.3-Insurance Company.

KULDIP SINGH, J (Oral)

CM-16679-CII-2013

For the reasons mentioned in the application, the
delay of 58 days in filing the appeal is condoned.

Application stands allowed.

FAO-4123-2013

Claimants have preferred this appeal against the
award dated 7.1.2013 passed by Motor Accident Claims
Tribunal, Kurukshetra (for short 'the Tribunal').

In this case Rajbir aged about 35 years while driving
motor cycle bearing registration No. HR-99EP-TP-6608 was hit

by offending truck bearing registration No. UP-13B-3752 being driven by respondent Vijay Pal rashly and negligently. The accident took place on 6.3.2010. Rajbir died at the spot. The Tribunal assessed the income of the deceased as daily wage labourer @ Rs. 5,000/- per month. 1/3rd was taken towards personal expenses. Multiplier of 16 was applied. Rs. 10,000/- were awarded on account of transportation of dead body, funeral expenses and last rites of the deceased and Rs. 10,000/- was awarded towards loss of consortium to claimant No.1. Total amount of Rs. 6,60,000/- was granted as compensation along with interest @ 7.5% per annum from the date of filing the claim petition till its realization.

I have heard learned counsel for the parties.

In this case, number of dependents is four i.e. wife and three minor children. In the absence of any proof, the income of the deceased was rightly taken to be minimum wages i.e. Rs. 5,000/- per month. Keeping in view the age of the deceased i.e. 35 years, 50% of the income was to be added towards future prospects. His total income comes to Rs. 7500/- per month. From the same 1/4th is deducted towards personal expenses i.e. Rs. 1875/-. The dependency of the deceased comes to Rs. 5625/-. The amount of compensation comes to Rs. 10,80,000/-. I am of the view that the Tribunal had awarded lower compensation for funeral expenses and last rites and loss

of consortium. In view of this Rs. One lac is awarded towards consortium to the wife of the deceased and Rs. one lac for loss of love and affection and guidance to the children. Another sum of Rs. 25,000/- for funeral expenses and last rites are allowed. The total compensation comes to Rs. 13,05,000/-. The order of apportionment of compensation amount is amended. Out of the total amount, 1/2 shall go to the wife of the deceased, who is to run day to day affairs of the family and also provide education to the children. Remaining amount shall be equally shared by the claimants No. 2 to 4 minor children. The share of the minor shall be invested in long term FDR in the bank of the choice of the claimant No.1 (appellant No.1 herein) wherein date of birth of minor children shall be recorded. Whenever they become major, the amount shall be disbursed to them without any order from the Court. Enhanced amount of compensation shall be paid with interest @ 7.5% per annum from the date of filing of the claim petition till its realization.

Appeal is accordingly allowed.

23.07.2015
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(KULDIP SINGH)
JUDGE