IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.633 of 2013 (O&M)
Date of Decision: January 12, 2015

Balvir Kaur @ Balbir Kaur and others

...Appellant(s)

Versus

Ranjit Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. Vivek Suri, Advocate
for the appellants.

Mr. M.B. Jain, Advocate
for respondent No.3.

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ANITA CHAUDHRY, J.

1. This is the claimants' appeal seeking enhancement in the award dated 22.11.2012, passed by the Motor Accident Claims Tribunal, Patiala (here-in-after referred to as the Tribunal).

2. At the outset, counsel for the appellants has urged that the Tribunal did not accept the evidence relating to the income and had made the calculations treating the deceased to be a labourer and his income was taken at Rs.3,000/- per month but in the year 2011, the minimum wages in Punjab were much higher. It was submitted that no amount towards future prospects was added and the deduction should have been 1/4th considering the number of family members. It was urged that the appellants were also

entitled to compensation on the heads of loss of love and affection for the child as well as for loss of consortium and an enhanced amount as funeral expenses.

2. The submission on the other hand is that the claimants had made an exaggerated claim pleading that the deceased had goats and sheep and was earning Rs.20,000/- per month and the bald statement made by the wife was rejected as there was no evidence and income of a labourer was rightly taken.

3. The appellants had led no evidence to show that the deceased had an income of Rs.20,000/- per month. He was considered to be a labourer and rightly so. There was no material to take a different view. However, the minimum wages in Punjab in 2011 were much higher. According to the notification, the minimum wages in Punjab were Rs.4,108/- per month. As per ***Rajesh Vs. Rajbir, 2013(3) RCR (Civil) 170***, since, the deceased was under 40 years of age, 50% increase has to be allowed towards future prospects. Considering the age, the multiplier applicable would be 16. Considering the family members, the deduction should have been 1/4th. Taking the income to be Rs.4,108/- per month and making an addition of 50%, the total income available for the family would be Rs.6,162/-. After making 1/4th deduction, the amount available would be Rs.4,622/- per month. The annual dependency would come to Rs.55,464/-. After applying the multiplier of 16, the compensation would work to Rs.8,87,424/-. To this a sum of Rs.15,000/- more should be added as funeral expenses, a sum of Rs.1,00,000/- is added on account of loss of love and affection for the children, a sum of Rs.1,00,000/- is added on account of loss of consortium; making the total to be Rs.11,02,424/-. The Tribunal had

awarded Rs.3,94,000/- which shall be deducted and the remaining amount shall be paid in the same ratio as awarded by the Tribunal to the appellants by the insurance company within two months, failing which the appellants would be entitled to enhanced amount with interest as awarded by the Tribunal from the date of filing of the appeal, till realization.

(ANITA CHAUDHRY)
JUDGE

January 12, 2015
sunil