In the High Court of Punjab and Haryana at Chandigarh

FAO No. 1781 of 1994
Date of Decision: 20.12.2016

Smt. Geeta Rani and others

---Appellants

versus

Saudagar @ Saudagar Singh and others

---Respondents

Coram: **Hon'ble Mrs. Justice Rekha Mittal**

Present: Mr. Kulvir Narwal, Advocate
for the appellants

Mr. J.S.Chatrath, Advocate
for Mr. Ashwani Talwar, Advocate
for the insurance company

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Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation in regard to death of Umed Singh in a motor vehicular accident that took place on 8.5.1993.

The Motor Accidents Claims Tribunal, Rohtak (in short "the Tribunal") assessed income of the deceased at Rs. 1000/- per month, deducted an amount of Rs. 350/- for personal and living expenses of the deceased, applied a multiplier of 16 to compute loss of dependency at Rs. 1,24,800/- held to be payable with interest at the rate of 12% per annum from the date of petition till realization.

Counsel for the appellants has submitted that the deceased was 27 years old and earning Rs. 3000/- per month but the Tribunal has assessed his income at Rs. 1,000/- per month. Deduction to the extent of Rs. 350/- is on higher side. The claimants are entitled to compensation under conventional heads.

Counsel for the insurance company has supported findings of the Tribunal with regard to assessment of income of the deceased by referring to the minimum wage fixed by the State of Haryana and available at the relevant time. However, it is submitted that the claimants may be allowed reasonable amount under conventional heads.

I have heard counsel for the parties, perused the paper book particularly the award passed by the Tribunal.

The Tribunal in para 14 of the award has discussed about income of Umed Singh, Yudhvir Singh, and Daryao Singh but has eventually held income of each of them to be Rs. 1,000/- per month. Counsel for the appellants has failed to point out any materials on record to justify increase in income assessed by the Tribunal. However, the claimants shall be entitled to increase in income for future prospects to the extent of 50%, admissible deduction would be 1/4th and multiplier would be 17 in place of 16. In this manner, compensation for loss of dependency is calculated at Rs. 1500 x 12 x17= 3,06,000/- +1,53,000 (50%) = Rs. 4,59,000/- - 1,14,750 (1/4th) =**Rs.3,44,250/-.**

Under conventional heads, an amount of **Rs. 1,00,000/-** for loss of consortium to the widow, Rs. 1,00,000/- in equal share to the children and **Rs. 30,000/-** to the mother for loss of love and affection is awarded. The claimants shall be entitled to an amount of **Rs. 20,000/-** each for expenses on funeral and loss of estate. The total compensation comes to **Rs. 6,14,250/-** and the additional compensation is **Rs.4,89,450/-,** payable with interest at the rate of 7.5% per annum from the date of petition till realization. The additional amount shall be shared by the widow and children of the deceased in equal share except an amount of Rs. 30,000/- payable to the mother.

The appeal is allowed in the aforesaid terms.

(Rekha Mittal)
Judge

20.12.2016
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No