

FAO- 1658 of 1997

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In the High Court of Punjab and Haryana at Chandigarh

FAO- 1658 of 1997

Date of Decision:21.10.2016

Sudesh Kumari and others

---Appellants

vs.

Balwinder Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Paramjit Singh Batta, Advocate
for the appellants

Mr. B.S.Jaswal, Advocate
for respondent Nos. 1 and 2

Mr. Vipul Sharma, Advocate
for Paul S.Saini, Advocate
for respondent No. 3

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation in regard to death of Subhash Chander aged about 27 years in

a motor vehicular accident that took place on 2.12.1994.

The Motor Accidents Claims Tribunal, Hoshiarpur (in short “the Tribunal”) assessed income of the deceased on the basis of documentary evidence produced by Khazan Singh AW1 by holding that the deceased was working as an agent for sale of vegetables and 2% market fee to the extent of Rs. 5000/- can be levied on a total sale of Rs. 2,50,000/- and if commission at the rate of 5% was given to the deceased, total income would come to Rs. 12,500/-. I do not find any reason to interfere in the findings recorded by the Tribunal with regard to assessment of income of the deceased. However, loss of dependency is to be calculated by adopting a multiplier method. As the deceased was in the age bracket of 26-30 years, appropriate multiplier would be 17. After allowing benefit of increase in income for future prospects and deduction to the extent of $\frac{1}{3}^{\text{rd}}$, loss of dependency comes to Rs. $13000 \times 17 = \text{Rs. } 2,21,000/- + 1,10,500/- (50\%) + 3,31,500/- - 1,10,500/- (\frac{1}{3}^{\text{rd}}) = \text{Rs. } 2,21,000/-$.

Under conventional heads, the claimants are awarded an amount of Rs. 10,000/- each for expenses on funeral and loss of estate. The widow is awarded an amount of Rs. 50,000/- for loss of consortium. The

minor children are awarded Rs. 1,00,000/- in equal share for loss of love and affection of their father. The total compensation comes to Rs.3,91,000/- and the enhanced compensation is Rs.2,55,000/-(3,91,000 – 1,36,000) payable with interest @ 7.5% per annum from the date of petition till realization. The enhanced compensation shall be payable to the widow and children of the deceased in equal share and the same shall be deposited in an FDR for a period of three years.

Appeal stands disposed of in the aforesaid terms.

(Rekha Mittal)
Judge

21.10.2016
paramjit

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