

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

FAO No. 3759 of 2002(O&M)

Date of decision: 22.12.2016

Labho Devi and others

....Appellants

VERSUS

Mohinder Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.S. Mamli, Advocate for the appellants.

Mr. M.S. Kathuria, Advocate for respondent No.2.

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

REKHA MITTAL, J.(Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Yamuna Nagar (in short 'the Tribunal') with regard to death of Ram Pal in a motor vehicular accident that took place on 25.04.2000.

The Tribunal assessed income of the deceased at Rs.2,000/- per month, deducted 1/3rd for personal expenses, applied a multiplier of 16 to compute loss of dependency at Rs.2,56,000/-. In addition, an amount of Rs.9,500/- on account of funeral expenses, loss of consortium and loss of estate was awarded making total compensation to Rs.2,65,500/-.

The sole submission made by counsel for the appellants is that as the deceased was doing the work of Blacksmith in a shop run by him, income of the deceased is liable to be enhanced.

Counsel for the insurance company, on the contrary, has supported the assessment made by the Tribunal with the plea that even if the deceased is taken to be a skilled worker, minimum wage for a skilled worker in the year 2000 was approximately Rs.2,100/- per month.

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

Counsel for the appellants has submitted that despite his best efforts, he could not lay his hand on the notification issued by the State of Haryana with regard to minimum wage of a skilled worker in the year 2000. However, in the year 2000 minimum wage of an unskilled worker in the State of Haryana was Rs.1914.86 per month. In the year 2002, wage of an unskilled worker was Rs.2,050/- per month and that of the skilled upper at Rs.2,310/- per month. Taking into consideration the aforesaid, interest of justice would be served if income of the deceased is assessed at Rs.2,150/- per month. After deducting 1/3rd for personal expenses and applying multiplier of 16, loss of dependency comes to Rs.2,75,200/- [Rs.4,12,800/- (Rs.2150/- x 12 x 16) – Rs.1,37,600/- (1/3rd towards personal expenses)]

In this view of the matter, additional compensation of Rs.9,700/- shall be payable to the minor claimants with interest at the rate of 7.5% per annum from the date of petition till realization, to be deposited in Fixed Deposit for a period of three years or till they attain the age of majority, whichever is later.

The appeal is partly allowed in the aforesaid terms.

DECEMBER 22, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no