In the High Court of Punjab and Haryana at Chandigarh

FAO-3389 of 2007(O&M)
Date of Decision:11.11.2016

Rashmi Mehtab and others

---Appellants

vs.

Gurmukh Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr.Inderjit Sharma, Advocate
for the appellants
Mr. Harpal Singh, Advocate
for respondent Nos. 1 and 2

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Rekha Mittal, J.

The claimants are in appeal for enhancement of compensation in regard to death of Mukesh Kumar Mehtab in a motor vehicular accident on 18.7.2004.

The Motor Accidents Clams Tribunal, Patiala (in short “the Tribunal”) assessed income of the deceased at Rs. 8000/- per month, deducted Rs. 3000/- for personal expenses, applied a multiplier of 10 to compute loss of dependency at Rs. 6,00,000/- held to be payable with interest at the rate of 6% per annum from the date of petition till realization.

Counsel for the appellants has submitted that the Tribunal has held that the entire family including widow-claimant No. 1, Devinder Mehtab and Vijender Mehtab, sons claimant Nos. 2 and 3 and Neelima Mehtab, respondent No. 4 children of the deceased were dependent on his earnings but still has allowed deduction more than 1/3rd and the same is liable to be corrected. The Tribunal has adopted a multiplier of 10 in place of 11 as the deceased was in the age bracket of 51-55. No compensation has been awarded for future prospects as well as under conventional heads.

Counsel for respondents have supported the award passed by the learned Tribunal.

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

The Tribunal has accepted plea of the claimants that the claimants as well as respondent No. 4 were dependent upon earnings of the deceased. That being so, admissible deduction would be 1/3rd in place of Rs. 3000/- out of income of Rs. 8000/-. The deceased was 52 years old and the admissible multiplier would be 11 in place of 10. The claimants are allowed benefit of increase in income for future prospects to the extent of

15% as the deceased was more than 50 years of age. In this manner, loss of dependency comes to Rs. 8000 X 12 X 11 = 10,56,000/- + 1,58,400/- (15% F.P.)=12,14,400/- - 4,04,800 (1/3rd)= **Rs. 8,09,600/-**.

Under conventional heards, an amount of **Rs, 1,00,000/-** for loss of consortium to the widow and **Rs. 1,00,000/-** for loss of love and affection to the children in equal share and **Rs. 25,000/-** each for loss of estate and funeral expenses are awarded. The total compensation comes to **Rs.10,59,600/-** and the enhanced compensation is Rs. **4,59,600/-** (Rs. 10,59,600 – 6,00,000). The enhanced compensation shall be payable exclusively to widow of the deceased, with interest at the rate of 7.5% per annum from the date of petition till realization. The additional amount shall be deposited in a fixed deposit receipt for a period of three years.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

11.11.2016
PARAMJIT

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