

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

-.-

FAO 346 of 2010
Date of decision: 06.12.2016

Sushila Devi and others

.....Appellants

Versus

Prem Lal and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Ms Mansi Bansal, Advocate
for the claimants/appellants

Ms Monica Jangra, Advocate
for respondent No. 3

-.-

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation in regard to death of Vijender in a motor vehicular accident that took place on 21.04.2008.

The Tribunal assessed income of the deceased at Rs.2,000/- per month, deducted 1/3rd for personal and living expenses and adopted multiplier of 17 to compute loss of dependency at Rs.4,08,000.00. In addition, a sum of Rs.10,000.00 for last rites and Rs.5,000.00 for loss of consortium was awarded making total compensation to Rs.4,18,000.00.

Counsel for the appellants has submitted that income of the deceased is liable to be enhanced. The claimants are entitled to benefit of increase in income for future prospects to the extent of 50%. Compensation awarded under conventional heads also needs enhancement.

Per contra, counsel for the insurance company has supported the award passed by the tribunal.

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

The deceased was a young man aged less than 30 years. The claimants failed to adduce tangible evidence to establish their plea that the deceased was earning Rs.10,000.00 per month. However, the deceased left behind family consisting of a widow and two minor children. Taking into consideration the minimum wage for an unskilled worker fixed by the State of Haryana, available at the relevant time, income of the deceased is assessed at Rs.3,600.00 per month. The claimants shall be entitled to future prospects to the extent of 50%. The Tribunal has allowed deduction of 1/3rd that would be 1/4th in view of number of dependents. The multiplier adopted by the Tribunal is affirmed. In this manner, loss of dependency comes to **Rs.8,26,000.00** (5400x12x17 - 2,75,400.00 (1/4th deduction).

Under conventional heads, the claimants shall be entitled to Rs.1,00,000.00 for loss of consortium to widow, Rs.1.5 lakhs in equal share to the children, Rs.50,000.00 to mother for loss of love and affection and Rs.25,000.00 each for expenses on funeral and loss of estate. The total compensation comes to **Rs.11,76,200.00** and enhanced compensation is **Rs.7,58,200.00**. The additional compensation shall carry interest at the rate of 7.5% per annum from the date of petition till realization, payable exclusively to minor children in equal share except Rs.1,00,000.00 for loss of consortium to the widow and Rs.50,000.00 for loss of love and affection to the mother. The amount falling to share of the children shall be

deposited in FDRs for a period of three years or till they attain age of majority which ever is later. The interest on FDRs shall be payable to the mother to meet expenses on education and other requirements of the children.

For the foregoing discussion, the appeal is partly allowed.

(Rekha Mittal)
Judge

06.12.2016
mohan bimbra

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