

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

FAO No.4514 of 2011(O&M)

Date of Decision: March 15, 2016

Satwanti and others

... Appellants

Versus

Mahavir and others

... Respondents

CORAM:- HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Jarnail S.Saneta, Advocate for
the appellants.

Mr.T.K.Joshi, Advocate for
the respondent – Insurance Company.

HARINDER SINGH SIDHU, J.

On 8.4.2010 at about 5.00 pm, Ram Singh (deceased) along with his wife and daughter was travelling in three wheeler bearing Reg.No.HR-67-6915 from Sewah to Panipat, when it was hit by a car bearing Reg.No.HR-13C-4544. The three wheeler turned turtle and its occupants suffered multiple injuries. Ram Singh succumbed to the injuries. FIR No.197 dated 8.4.2010 was registered in Police Station Chandni Bagh, Panipat regarding the accident.

Legal heirs of the deceased; wife, two minor daughters and two minor sons filed claim petition before the MACT, Panipat, which awarded them compensation as under:-

Sr.No.	Heads	Calculation (In Rs.)
(i)	Los of dependency	4,05,000/-
(ii)	Loss of Consortium	5,000/-
(iii)	Compensation for transportation of the dead body, funeral and last rites expenses	10,000/-
	Total Compensation awarded	4,20,000/-

Ld. Counsel for the appellants has contended that the income of the deceased has been assessed at Rs.3000/- per month, whereas as per the notification issued by the Haryana Government in August, 2009, wages of a daily wager were fixed at Rs.3914/- per month. He has also argued that the Ld. Tribunal erred in not granting increase in the income towards future prospects as also the compensation under various heads as settled by the Hon'ble Supreme Court in various judgments.

In considered opinion of this Court, the compensation awarded by the Tribunal is on the lower side and it needs to be enhanced in the light of the guide-lines of the Hon'ble Supreme Court in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and Anr**, 2009(6) SCC 121, **Rajesh and others vs. Rajbir Singh and others 2013 ACJ 1403**, etc.

Admittedly, the deceased was doing labour work. So, a judicial notice can be taken of the fact that as per the Notification issued by the Government of Haryana in August, 2009, monthly wages of a workman were fixed at Rs.3914/-. The accident took place in April, 2010. Accordingly, this Court assessing the income at Rs.4000/- per month, award the following compensation:-

Sr.No.	Heads	Calculation (In Rs.)
(i)	Income (after 50% increase – deceased aged 40 years)	$4000+[4000 \times 50/100] = 6000$ p.m.
(ii)	1/4 th of (i) deducted as personal and living expenses of deceased	$6000-[6000 \times 1/4]$ 4500/-
(iii)	Compensation after applying multiplier of 15	$4500 \times 12 \times 15 = 8,10,000/-$
(iv)	Loss of Love and Affection (four children)	2,00,000/-
(v)	Loss of Consortium	1,00,000/-
(vi)	Funeral Expenses	25,000/-
(vii)	Transportation	5,000/-
	Total Compensation awarded	11,40,000/-

Accordingly, the appeal is allowed and the Award of the Tribunal is modified to the extent that the appellants are held entitled to total compensation of Rs.11,40,000/-, that is, Rs.7,20,000/- (1140000-420000)

over and above the amount awarded by the Tribunal. Enhanced amount shall be paid with interest at the rate of 7.5% per annum from the date of filing of claim application till realisation.

That amount awarded under head at Sr.No.(iv) 'loss of love and affection' shall be payable to the children equally (appellant No.2 to 5) and the amount awarded under head at Sr.No.(v) 'loss of consortium' shall be paid to the appellant - wife. The amount enhanced and payable under other heads shall be payable to the appellants in the same proportion as directed by the Tribunal,

March 15, 2016


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**(HARINDER SINGH SIDHU)
JUDGE**