

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

**FAO No.3877 of 2012
Decided on: 01.12.2016**

Surjit Kaur	Versus	Appellant
Parmeet Singh and others		Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Ms. Richa Mittal, Advocate for Mr. R.C. Gupta, Advocate for the appellant.

Mr. Rajbir Singh, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

Smt. Surjit Kaur, widow of Sh. Falel Singh has preferred the appeal seeking enhancement of compensation in regard to death of Falel Singh in a motor vehicular accident that took place on 09.05.2011.

The Tribunal assessed income of the deceased at Rs.4,200/- per month, applied a multiplier of 5 and deducted 1/3rd for personal expenses to compute loss of dependency at Rs.1,68,000/-. In addition, an amount of Rs.9,500/- for loss of estate, consortium and funeral expenses has been awarded making total compensation to Rs.1,77,500/- (rounded off to Rs.1,78,000/-) payable with interest @ 7.5% per annum from the date of petition till realization.

Counsel for the appellant has submitted that Falel Singh was working as an Electrician in the Electricity Department of Haryana and after retirement, he was doing private job as an Electrician, therefore, his income is liable to be enhanced. Compensation awarded under conventional heads needs increase in the light of judgments of Hon'ble the Supreme Court of India.

Counsel for the insurance company has supported the assessment qua loss of dependency but has submitted that a reasonable amount of compensation may be paid under conventional heads.

I have heard counsel for the parties and perused the paperbook particularly the award dated 28.02.2012 passed by the Motor Accidents Claims Tribunal, Ambala (in short 'the Tribunal').

The Tribunal has adopted a multiplier of 5 by taking into consideration that the deceased was 65 years old. There is no clear and cogent evidence available on record with regard to income of the deceased by working as an Electrician after his retirement from the Electricity Department. Taking a clue from the minimum wage available to a skilled worker in the State of Haryana at the relevant time coupled with age of the deceased who was a senior citizen, I do not find any reason to interfere in assessment of income by the Tribunal. As a result, findings of the Tribunal with regard to loss of dependency are affirmed.

Under conventional heads, an amount of **Rs.1,00,000/-** for loss of consortium to the widow and **Rs.25,000/- each** for expenses on funeral and loss of estate is awarded. The total compensation comes to Rs.3,18,000/- and the additional compensation is **Rs.1,40,000/-** (Rs.3,18,000/- – Rs.1,78,000/-) payable with interest 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

01.11.2016
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(REKHA MITTAL)
JUDGE

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