

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 1430 of 2014

Date of decision : 01.12.2016

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Hansi Devi and others

.....Appellants

Versus

Mangat Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Arun Yadav, Advocate for the appellants.

Mr. Arun Sharma, Advocate for

Mr. T.K. Joshi, Advocate for the Insurance company.

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REKHA MITTAL, J. (ORAL)

Hansi Devi and others are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Rewari (in short 'the Tribunal') in regard to death of Amar Singh in a motor vehicular accident that took place on 3.2.2011.

The Tribunal assessed income of the deceased at Rs.5,000/- per month, deducted 1/4th for personal expenses, applied a multiplier of 15 and computed loss of dependency at Rs.6,75,000/-. In addition,

an amount of Rs.5,000/- for loss of consortium and Rs.3,000/- for last rites has been awarded, making total compensation to the tune of Rs.6,83,000/- payable with interest at the rate of 6% per annum from the date of petition till realization.

Counsel for the appellant has submitted that the deceased was working with Mahlawat Tour and Travels, Dharuhera, at a salary of Rs.5,000/- per month besides Rs.150/- as daily allowance and free accommodation worth Rs.3,500/-. It has further been argued that the Tribunal has discarded testimony of Med Singh, PW-4 without assigning any valid reason. The Tribunal has not allowed benefit of increase in income for future prospects. The compensation awarded under conventional heads needs enhancement.

Counsel for the insurance company, on the contrary, has submitted that the claimants failed to adduce satisfactory much less cogent and convincing evidence to establish their plea that the deceased was working with the aforesaid Tour and Travels, much less getting the aforesaid benefits.

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

The claimants examined Med Singh, PW-4, to prove earnings of the deceased being a Motor Mechanic with Mahlawat Tour and Travels, Dharuhera. The witness produced salary certificate Exhibit P-5. He did not produce any supporting document with regard to employment of the deceased or payment of salary plus daily allowance and rent free accommodation. In absence of any supporting

documents, the Tribunal has rightly discarded testimony of Med Singh, PW-4 and has determined salary of deceased by taking into consideration the minimum wage fixed by the State of Haryana for a skilled worker. In this view of the matter, intervention in assessment of income is not justified. The Tribunal has rightly allowed deduction to the extent of 1/4th and applied a multiplier of 15. However, as the deceased was less than 40 years of age, claimants shall be entitled to addition in income for future prospects to the extent of 50%. That being so, loss of dependency comes to Rs.6,75,000/- + Rs.3,37,500/- = 10,12,500/-.

Under conventional heads, an amount of Rs.1 Lakh towards consortium to widow, Rs.2,25,000/- in equal share to the children, Rs.50,000/- to the mother for loss of love and affection and Rs.25,000/- each for expenses on funeral and loss of estate is awarded to the claimants.

In this manner, total compensation comes to Rs.14,37,500/- and the enhanced compensation is Rs.7,54,500/-. The additional amount shall carry interest at the rate of 7.5% per annum from the date of petition till realization.

Out of the enhanced amount, Rs.50,000/- shall be payable to mother of the deceased. The remaining amount shall be shared by the widow and Surender Singh youngest child of the family in equal shares. The amount falling to the share of minor shall be deposited in a Fixed Deposit Receipt for a period of 3 years or till he attains the age of majority whichever is later. Share of the widow shall be

deposited in a Fixed Deposit Receipt for a period of 3 years.

The appeal is partly allowed in the aforesaid terms.

December 01, 2016
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(REKHA MITTAL)
JUDGE

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No