

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

FAO No.2521 of 2015 (O&M)

Date of decision : 08.09.2016

Surji Devi and others

.....Appellants

Versus

Madan Lal and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Dheeraj Narula, Advocate for appellants.
 Mr. Gaurav Jain, Advocate for respondents No.1 & 2.
 Mr. Gaurav Sharma, Advocate for respondent No.3.
 Ms. Vandana Malhotra, Advocate for respondent No.5.
 Mr. Sunil Kumar Nehra, Advocate for respondent No.4.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-claimants against the award dated 29.10.2014, passed by learned Motor Accidents Claims Tribunal, Sirsa (hereinafter called the “Tribunal”), vide which they have been awarded compensation to the tune of ₹4,77,400/- on account of the death of Ram Singh in the motor vehicular accident which took place on 13.04.2012.

2. The present appeal has been preferred by the appellants-claimants for the enhancement of the amount of compensation.

3. I have heard learned counsel for the parties and gone through the paper-book meticulously.

4. Learned counsel for the appellants contended that the income of the deceased has been taken by the learned Tribunal to be only Rs.4500/- per month. Even the minimum wages of the unskilled labourer at that time was Rs.4874/-. He further contended that less amount has been given to the children of the deceased on account of loss of love and affection. Thus, he contended that just amount of compensation has not been awarded.

5. On the other hand, learned counsel for respondents contended that the deceased was 63 years old person. The compensation awarded by the learned Tribunal is just and appropriate keeping in view the antecedents, age and income of the deceased.

6. I have duly considered the aforesaid contentions.

7. The learned Tribunal has determined the income of the deceased to be Rs.4500/- per month. The present accident has taken place on 13.04.2012. As per the notification of the Labour Department, Haryana, the minimum wages of an unskilled labourer at the relevant time were Rs.4847/- per month. So, the income of the deceased shall be taken to be Rs.4800/- per month instead of Rs.4500/- per month. Thus, the compensation payable to the appellants-claimants works out as under:-

Sr. No.	Heads of compensation	Calculation/amount (in rupees)
1.	Income	4800
2.	Future prospects	-
3.	Income after 1/5 th deduction towards personal and living expenses	3840 (4800-960)

4.	Annual income	46,080 (3840x12)
5.	Multiplier	7
6.	Loss of dependency	3,22,560 (46080 x 7)
7.	Loss of love and affection to children	1,00,000
8.	Loss of consortium to the widow	1,00,000
9.	Funeral and last rites expenses	25,000
Total		5,47,560

8. The total amount of compensation payable to the claimants comes to ₹ 5,47,560/-.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellants-claimants is enhanced to ₹5,47,560/- from ₹4,77,400/- as awarded by the Tribunal. The appellants-claimants shall also be entitled to interest at the rate as determined by the learned Tribunal on the enhanced amount from the date of filing the petition till realisation. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

08.09.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

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