

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 1858 of 2016 (O&M)
Date of Decision : 28.07.2016

Narinder Kaur and anotherAppellants

Versus

HDFC Ergo General Insurance Co. Ltd. & othersRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sagar Deswal, Advocate
for the appellants.

Surinder Gupta, J. (Oral)

Heard.

2. This is appeal against award of the Tribunal awarding compensation for death of son of appellants, namely, Jaspreet Singh, who died on 26.01.2015 in a motor vehicle accident with motorcycle bearing registration no. HR-07P-2760.

3. As claimants-appellants are seeking enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

4. The Tribunal allowed compensation of ₹14,64,300/- to claimants, which was computed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Age of the deceased	26 years
(ii)	Income of the deceased as per minimum wages prescribed by DC, Kurukshetra vide letter bearing Endst. No. 1051-1151 dated 01.07.2014	₹8100
(iii)	50% of (ii) added towards future prospects	(₹8100+₹4050)= ₹12150

(iv)	½ of (iii) deducted as personal expenses of the deceased	(₹12150-₹6075)= ₹6075 per month
(v)	Compensation after applying multiplier of 17 as per age of claimants	(₹6075X12X17)= ₹1239300
(vi)	Loss of Estate, love and affection	₹100000
(vii)	Loss of love and affection for claimants no. 1 and 2 @ ₹50000/- each	₹100000
(viii)	Funeral expenses	₹25000
Total		₹1464300

5. Learned counsel for appellants has argued that income of the deceased, who was carrying on welding shop, has been taken on lower side. However, he fairly conceded that no evidence was produced on file regarding business/shop being carried out by the deceased. In the absence of any evidence on record, the Tribunal has allowed minimum wages as prescribed by the Deputy Commissioner, Kurukshetra in his letter bearing endorsement number as referred above. Under the conventional heads also the Tribunal has allowed just and reasonable amount of compensation.

6. In view of above, compensation allowed by the Tribunal calls for no further enhancement. This appeal has no merit and the same is dismissed.

July 28, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No