

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

**FAO No.3238 of 2015 (O&M)
Decided on: 18.11.2016**

Pooja and others

....Appellants

Versus

Sawai Singh and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Raman Chawla, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.2.

REKHA MITTAL, J. (Oral)

CM No.9658-CII of 2015

Prayer in this application is for condoning delay of 49 days
in filing the appeal.

Heard.

In view of averments made in the application supported by
an affidavit of Santro, the applicant-appellant No.4, the application is
allowed and delay of 49 days in filing the appeal stands condoned.

FAO No.3238 of 2015

The claimants are in appeal seeking enhancement of
compensation in regard to death of Surender Singh in a motor vehicular
accident that took place on 18.01.2014.

The learned Tribunal assessed income of the deceased at
Rs.4,800/- per month on the basis of wage of an unskilled worker,
added 50% increase for future prospects, deducted 1/3rd for personal
expenses and applied a multiplier of 18 to compute loss of dependency

at Rs.10,36,800/-. In addition, an amount of Rs.1,00,000/- for loss of consortium and Rs.25,000/- for funeral expenses and loss of estate was awarded making total compensation to Rs.11,61,800/- payable with interest @ 6% per annum from the date of petition till realization.

Counsel for the appellants has submitted that income of the deceased assessed by the Tribunal is not in consonance with the minimum wage fixed by the State of Haryana for an unskilled person available in January, 2014. The victim died in Rajasthan and his dead body was brought to village Loharu, District Bhiwani, therefore, compensation qua transportation of dead body is required to be allowed. No compensation has been awarded to the child and mother towards loss of love and affection.

Counsel for the insurance company, on the contrary, has supported the award.

I have heard counsel for the parties and perused the paperbook particularly the award passed by the Tribunal.

The deceased was a young person of 22 years of age. There is nothing on record suggestive of the fact that he was suffering from any ailment rendering him incapacitated to work at his best and earn for his family. Taking into consideration the minimum wage fixed for an unskilled worker available in January, 2014, monthly income of the deceased is assessed at Rs.5,500/-. After adding 50% towards future prospects, it comes to Rs. 8,250/-. After allowing deduction to the extent of 1/3rd and applying a multiplier of 18, loss of dependency is calculated at **Rs.11,88,000/-** (Rs.5,500/- x 12 x 18).

With regard to compensation under conventional heads, an

amount of **Rs.1,00,000/-** for loss of consortium awarded by the Tribunal is affirmed. The claimants shall be entitled to **Rs.25,000/- each** for funeral expenses and loss of estate. They are awarded an amount of **Rs.10,000/-** for expenses on transportation of the dead body. Priti aged one year, minor daughter of the deceased is awarded an amount of **Rs.1,00,000/-** for loss of love and affection, care and guidance and **Rs.50,000/-** for loss of love and affection to the mother. The total compensation is Rs.14,98,000/- and the additional compensation is **Rs.3,36,200/-** (Rs.14,98,000/- – Rs.11,61,800/-) payable with interest @ 7.5% per annum from the date of petition till realization.

The additional amount shall be payable exclusively to Priti, minor daughter and shall be deposited in a fixed deposit receipt payable on her attaining the age of majority. The interest accruing on the fixed deposit shall be payable to the mother or the grandmother in whose custody the child would remain for meeting expenses on her education and living.

The appeal is partly allowed in the aforesaid terms.

18.11.2016
yakub

(REKHA MITTAL)
JUDGE

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