In the High Court of Punjab and Haryana at Chandigarh

FAO No.6081 of 2014
Date of Decision: 31.8.2016

Manpreet Kaur and others

---Appellants

versus

Gorakh Ram and others

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Vinay Saini, Advocate
for Mr. G.S.Nagra, Advocate
for the appellants

None for the respondents

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Rekha Mittal, J.

Manpreet Kaur and others, the claimants are in appeal seeking enhancement of compensation in regard to death of Kamaljit Singh in a motor vehicular accident that took place on 10.10.2011.

The Motor Accident Claims Tribunal, Amritsar has assessed income of the deceased at Rs. 6000/- per month, deducted 1/3rd towards personal expenses, applied multiplier of 14 and extended benefit of future prospects to the extent of 30% and computed loss of dependency to the tune of Rs. 8,73,600/-. Under conventional heads, the claimants were awarded Rs. 10,000/- for funeral expenses, Rs. 5,000/- for loss of love and affection and Rs. 10,000/- towards consortium. Another amount of Rs. 1.05,213/- was awarded for medical treatment, thus, total compensation was assessed at Rs. 10,03,813/- payable with interest at the rate of 7.5% per annum from the date of filing of the petition till realization.

Counsel for the appellants has submitted that income of the deceased assessed by the Tribunal is on lower side as he was working as a surveyor with United India Insurance Company and the said fact was proved by Chander Mohan PW-3. Compensation awarded under conventional heads needs re-look and enhancement in the light of judgments ***Rajesh and others vs. Rajbir Singh and others (2013)3 RCR (Civil) 170*** and ***Vimal Kanwar and others vs. Kishore Dan and others 2013(2)RCR(Civil)945***.

There is no representation on behalf of the respondents.

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

The claimants examined Assistant Manager, United India Insurance Company PW3 to prove that the deceased was working as a surveyor cum loss assessor and he was at the penal of the Insurance company. The learned Tribunal has noticed that no record with regard to exact income of the deceased has been proved nor it has been disclosed as to of which vehicle he assessed the loss, submitted a report and how much he was earning per month. In absence of any documentary evidence with regard to any work assigned to the deceased much less payment made by the insurance company, no interference in assessment of income by the Tribunal is warranted. Counsel for the appellants has not challenged findings of the Tribunal qua deduction and multiplier.

So far as award of compensation under conventional heads, widow of the deceased shall be entitled to Rs. 1,00,000/- for loss of consortium, the minor children are awarded an amount of Rs. 1,50,000/- in equal share for loss of love and affection. The appellants shall be entitled to an amount of Rs. 25,000/- each for expenses on funeral and loss of estate. In this manner, the enhanced compensation is Rs. 2,75,000/- (Rs. 3,00,000/- minus Rs. 25,000/-). The enhanced compensation shall carry interest at the rate of 7.5% per annum from the date of filing of the petition till realization, payable to minor children of the deceased on attaining the age of majority after converting into FDR's' in equal share.

Appeal stands disposed of accordingly.

(Rekha Mittal)
Judge

31.8.2016s
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No