

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

-.-

FAO 6147 of 2015

Date of decision: 11.11.2016

Amar Singh and another

.....*Appellants*

Versus

Sunil Kumar and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr.Parveen K Kataria, Advocate
for the appellants

Mr. Amit Kundra, Advocate
for respondent No. 2

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Satnam Singh in a motor vehicular accident that took place on 18.02.2014.

The Tribunal assessed income of the deceased at Rs.6,000.00 per month, deducted 50% for his personal and living expenses and adopted a multiplier of 18 to compute loss of dependency at Rs.6,48,000.00. In addition, an amount of Rs.10,000.00 for funeral expenses has been awarded making total compensation to the tune of Rs.6,58,000.00, payable with interest at the rate of 6% per annum in case the compensation is not made by the respondents within a period of three months.

Counsel for the appellants has submitted that keeping in view minimum wage available to an unskilled worker in the State of Punjab in

February, 2014, income of the deceased is liable to be enhanced. The Tribunal has not allowed benefit of future prospects in the light of judgment of Hon'ble the Supreme Court ***Rajesh and others v. Rajbir Singh and others (2013) 9 SCC 54***. Compensation awarded under conventional heads needs enhancement. Further, the interest is required to be paid from the date of petition till realization.

Counsel for the insurance company has supported the award.

I have heard counsel for the parties, perused the paper book particularly the award passed by the learned Tribunal and notification dated 12.04.2014 issued by the Government of Punjab in regard to fixing minimum wages.

Keeping in view the minimum wage available to an unskilled worker between 01.09.2014 to 01.03.2015, income of the deceased is assessed at Rs.6400.00 per month. The claimants shall be entitled to benefit of increase for future prospects to the extent of 50%. In this way, loss of dependency comes to Rs.9600.00x12x18-Rs.10,36,800.00 (50% deduction) =**Rs.10,36,800.00**. Under conventional heads, mother of the deceased is awarded Rs.50,000.00 for loss of love and affection of her son. The claimants shall be entitled to Rs.25,000.00 each for funeral expenses and loss of estate. The total compensation comes to **Rs.11,36,800.00** (10,36,000.00 + 50,000.00 + 25,000.00 + 25,000.00) and enhanced compensation is **Rs.4,78,800.00** (11,36,800.00 - 6,58,000.00) which shall carry interest at the rate of 7.5% per annum from the date of petition till realization, payable exclusively to mother of the deceased.

The Tribunal awarded interest at the rate of 6% per annum in case the respondents fail to deposit the amount within three months. Once

the claimants have been held entitled to compensation from the date of petition, there is no reason to deny them interest merely because compensation is paid by the respondents within any stipulated period. That being so, claimants shall be entitled to interest at the rate of 6% per annum on the amount awarded by the Tribunal from the date of petition till realization.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

11.11.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No