

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

**FAO No.112 of 1992 (O&M)
Date of Decision: April 24, 2017**

Suresh Kumar and others

..Appellant(s)

Versus

Narinder Singh and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Monika Arora, Advocate
for the appellants.

Mr. Paul S. Saini, Advocate
for respondent no.2-insurance company.

ANITA CHAUDHRY, J.

This is the claimants' appeal seeking enhancement in the award passed by the Motor Accident Claims Tribunal, Ambala.

The record of this file had been burnt in the fire accident which had taken place in the year 2011. Only the copy of the award could be reconstructed. None of the parties could give any material for reconstruction of the record. The counsels appearing for the parties agreed that the matter can be decided on the basis of whatever is available on the record.

Bhola aged 60 years had died in an accident, which occurred on 12.11.1989. According to the claimants he was a carpenter

and was having an income of Rs.2,100/- per month. He was hit by a motorcycle driven by respondent no.1.

The Tribunal noted that two of the claimants were major sons who were earning their livelihood and only the widow was dependent upon the deceased. It noted that there was no evidence that he had any income. He was living in the village and it was observed there would not be much work for him. The income was taken at Rs.1,000/- per month and deducting 50% as dependency, the amount was calculated after applying the multiplier of 7 and an award of Rs.42,000/- was passed.

The submission on behalf of the appellants is that the income has been taken on the lower side and the multiplier should have been 9 and no amount had been awarded for loss of consortium and loss of funeral expenses and the widow was entitled to increase.

The submission on the other hand was that the minimum wages were less than Rs.650/- per month in 1989 and the Tribunal had already taken a higher income and no change should be made. It was urged that the Tribunal had awarded interest @ 12% but in the present times the interest rates have gone down drastically and they should not be awarded interest over 6%, if any amount is added.

The Tribunal had taken the income at Rs.1,000/- per month. The minimum wages in Haryana in the year 1989 were Rs.625/- per month. For the skilled labourer the income was little higher. Therefore, no addition towards the income can be made. However, the

multiplier was incorrectly applied. Taking the income at Rs.1,000/- and deducting 50% (as the widow was only found to be dependant), the amount available for the widow would be Rs.500/- and the compensation would come to $\text{Rs.}500 \times 12 \times 9 = \text{Rs.}54,000/-$. To this, a sum of Rs.10,000/- is added for loss of consortium and Rs.10,000/- for funeral expenses, raising the total to Rs.74,000/-.

The Tribunal had awarded Rs.24,000/-, which would be deducted and the remaining amount of Rs.32,000/- would be payable to Kamla only with interest @ 6% from January, 1992.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

April 24, 2017
sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No