

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1459 of 1993 (O&M)
Date of Decision: July 17, 2017

Jito Devi and others

..Appellant(s)

Versus

Gurmukh Singh

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

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

Mr. A.S. Virk, Advocate
for the respondent.

ANITA CHAUDHRY, J.

This is the claimant's appeal seeking enhancement in the award dated 29.07.1993, passed by the Motor Accident Claims Tribunal, Kurukshetra.

Gulzar Singh was 25 years old. He met with an accident on 09.09.1991. The claim was preferred by his widow and three minor children besides the mother. The Tribunal assessed the income as Rs.2,500/- and made a deduction of $\frac{1}{3}^{\text{rd}}$ and applied the multiplier of 16 and calculated the compensation to be Rs.64,000/-, which was payable with interest @ 12% from the date of the filing of the claim petition.

The submission on behalf of the appellants is that the minimum wages were much higher than the amount that was assessed and the deduction should have been $\frac{1}{5}^{\text{th}}$ and the multiplier of 18

should have been applied. The counsel further submits that no amount has been allowed for love and affection for the children or for loss of consortium or for funeral expenses and to the mother and therefore, an addition should be made. Reliance was placed upon *New India Assurance Co. Ltd. Vs. Gopali & Ors. 2012(3) RCR(Civil) 818*.

The submission on the other hand is that the accident had taken place in 1991 and the rates prevailing in that year be taken into account.

The minimum wages in 1991 stood at Rs.930/- per month. The income calculated was on the lower side, therefore, the calculation will have to be made again. Taking the income to be Rs.930/- per month and making a deduction of 1/5th, the amount available for the family would be Rs.744/- per month and the compensation would come to Rs.744 x 12 x 18 = Rs.1,60,704/-. I would add Rs.50,000/- for loss of consortium, Rs.50,000/- for loss of love and affection for the children and Rs.10,000/- for funeral expenses and that raises the total to Rs.2,70,704/-. The Tribunal had allowed Rs.64,000/-, which would be deducted and the remaining amount would be paid by the insurance company with interest @ 6% from September, 1993 till realization.

The appeal is partly allowed.

July 17, 2017

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No