IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

-.-

FAO 1355 of 2003 (O&M)
Date of decision: 15.11.2017

Harbans Kaur .....*Appellant*

Versus

Tinku Parshad and others .....*Respondents*

Coram: **Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: Mr. N K Suneja, Advocate
for the appellant

Mr. Vinod Gupta, Advocate and
Mr. B S Taunque, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimant is in appeal seeking enhancement of compensation in regard to death of Dhian Singh in a motor vehicular accident that took place on 06.01.1999.

The Tribunal has awarded compensation to the tune of Rs.1,49,400.00, detailed hereunder:-

Monthly income of the deceased	Rs.2,100.00
Deduction for personal expenses	1/3rd
Multiplier applied	8
Loss of dependency comes to	Rs.1400 x 12 x 8 = Rs.1,34,400.00
Funeral expenses and loss of consortium	Rs.15,000
Total	Rs.1,49,400.00

Counsel for the appellant has submitted that income of the deceased assessed by the Tribunal is on lower side and liable to be

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enhanced. To substantiate his contention, it is argued that the deceased had a large family consisting of four sons and four daughters besides Smt. Harbans Kaur, widow/claimant, therefore, it can safely be inferred that income of the deceased was much more than Rs.2,100.00 per month. Another submission made by counsel is that compensation awarded under conventional heads needs enhancement.

Counsel representing the insurance company, on the contrary, has supported the award with the submission that adequate compensation has been awarded as the occurrence pertains to January 1999.

Harbans Kaur, widow of the deceased is the only claimant in the case and it appears that children of the deceased have already settled in their lives. Plea of the claimant is that the deceased aged about 60 years was getting salary of Rs.6,000.00 per month besides income of Rs.3,000.00 per month from dairy business. Statement of the widow, in this regard, does not find corroboration from any independent source. Under the circumstances, the Tribunal has rightly relied upon minimum wage to assess income of the deceased at Rs.2,100.00 per month. The deduction for personal expenses allowed by the Tribunal is liable to be affirmed and ordered accordingly. The Tribunal has held that the deceased was 60 years old, therefore, admissible multiplier would be 9. The claimant shall be entitled to addition in income for future prospects to the extent of 10%. In view of the above, loss of dependency comes to **Rs.1,66,320.00** i.e. Rs.1400 x 12 x 9 = Rs.1,51,200.00 + Rs.15,120.00 (10% future prospects).

Under conventional heads, the claimant is entitled to following compensation:-

Loss of consortium	Rs.30,000.00

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Expenses on funeral	Rs.10,000.00
Loss of estate	Rs.10,000.00
Total	Rs.50,000.00

Total compensation comes to Rs.2,16,320.00 *i.e.* Rs.1,66,320.00 + Rs.50,000.00 and additional amount is **Rs.66,920.00** *i.e.* Rs.2,16,320.00 - Rs.1,49,400.00 which shall carry interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

15.11.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No

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