

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

FAO No.514 of 2000

Date of Decision: 28.07.2017

Smt. Maya Devi

...Appellant(s)

Versus

Raju and others

... Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Anil Shukla, Advocate
for the appellant.

Mr. Surinder Dagar, Advocate
for respondent No.2.

Mr. N.K. Manchanda, Advocate
for respondent No.3.

ANITA CHAUDHRY, J.

This appeal is for enhancement of the award dated 01.10.1999 passed by the Motor Accident Claims Tribunal, Faridabad.

Appellant, namely, Ramesh aged 34 years, died in an accident on 28.01.1998. He was 34 years old and is stated to be running a milk dairy. The Tribunal found that there was no evidence with respect to the income as Rs.4,000/- & Rs.5,000/- per month. The Tribunal took the income to be Rs.1,000/- per month and made a deduction of 1/3rd and applied the multiplier of 16 and calculated the compensation at Rs.1,18,416/-. The amount spent on the treatment was also allowed separately.

The submission on behalf of the appellant is that the minimum wages were higher and the Court had taken the income to be Rs.1,000/- as suggested by the counsel for the Insurance Company and no amount had been allowed for funeral expenses, loss of consortium or for love and affection.

There was no evidence with respect to the income, therefore, the minimum wages had to be taken. The minimum wages were Rs.1729.54/- in January, 1998 which is rounded off to Rs.1730/-. Considering the numbers of dependents, the deduction should have been $\frac{1}{4}^{\text{th}}$ and the amount available for the family would be Rs.1298/- and the compensation would be $\text{Rs.}1298 \times 12 \times 16 = \text{Rs.}2,49,216/-$. To this a sum of Rs.10,000/- should be added for loss of love and affection, Rs.25,000/- for loss of consortium and Rs.5,000/- for funeral expenses and the total of this comes to Rs.2,89,216/-. The Tribunal had allowed Rs.1,18,460/- which would be deducted and the remaining amount would be payable with interest @ 6% from January, 2001 onwards.

Accordingly, the appeal stands partly allowed.

July 28, 2017
ps-l

(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking
Whether Reportable

Yes/No
Yes/No