In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 1581 of 2001
Date of Decision: 14.12.2017

Jaswinder Kaur and others ......Appellants

Versus

Pargat Singh ....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Manjeet Singh, Advocate for
Mr. Sanjiv Gupta, Advocate
for the appellants.

Mr. Dilpreet Singh, Advocate
for the respondent.

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ANITA CHAUDHRY, J

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

The record of this file had been burnt in the fire accident which had taken place in the year 2011. Copy of the award, grounds of appeal and some other material are available. Counsel for the parties have stated that the matter can be decided on the basis of the award and other available material.

Puran Singh aged 45 years met with an accident on 7.9.1999. He was an agriculturist, his income could not be proved. The Tribunal took the minimum wages of Rs. 1650/- and after deducting 1/3rd, the annual dependency was taken at Rs. 13,200/- and multiplier of 12 was applied. The claimants were also allowed Rs. 7,000/- for transportation and last rites and an award of Rs. 1,65,400/- was passed.

The submission on behalf of the appellants is that the deceased was earning Rs. 10,000/- per month and the Tribunal had taken the minimum wages and income was wrongly assessed. The counsel further submits that the minimum wages were even higher at that point of time and an addition of 25% should be made towards future prospects and a wrong multiplier was applied. The counsel also submits that no amount has been allowed for loss of consortium and for loss of estate.

The submission on the other hand is that the claimants could not lead any evidence that the deceased owned any land and, therefore, minimum wages were taken and has supported the judgment.

No evidence was led by the claimants to show that the deceased was an agriculturist or had income from agriculture. Therefore, the Tribunal had rightly taken him to be a labourer but the minimum wages in September 1999 were Rs. 1851/- per month. In view of the latest judgment in ***National Insurance Company Limited versus Pranay Sethi and others, SLP (Civil) No. 25590 of 2014, decided on 31.10.2017***, an addition of 25% has to be made and the income would thus be Rs. 2313/- and after deducting 1/3rd the income would come to Rs. 1542/- and the compensation would be Rs. 1542/- x 12 x 14 = 2,59,056/-. To this a sum of Rs. 10,000/- is allowed for loss of consortium, Rs. 2500/- for funeral expenses and Rs. 2500/- for loss of estate considering the fact that the death occurred in 1999. The total of this comes to Rs. 2,74,056/-

The Tribunal had allowed Rs. 1,65,400/- which would be deducted and the remaining amount i.e. Rs. 1,08,656/- would be payable with interest @ 6% from May 2001 till the amount is actually paid.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

December 14, 2017
Gurpreet

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