

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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FAO No.1585 of 2001

Decided on : 11.09.2017

Rukmani and another

... Appellants

Versus

Naresh Kumar and others

.. Respondents

CORAM : HON'BLE MRS.JUSTICE REKHA MITTAL

Present : Ms.Vibha Tewari, Advocate
for the appellants.
None for the respondents.

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Rajiv son of Mathura Parshad in a motor vehicular accident that took place on 29.06.1998.

The Motor Accidents Claims Tribunal, Faridabad (hereinafter to be referred as the 'Tribunal') has awarded an amount of Rs.50,000/- for loss of love and affection, payable with interest at the rate of 12% per annum from the date of petition till realization.

Counsel for the appellants has submitted that the deceased was 20 years old at the time of unfortunate occurrence and he was a student of BA Part-I. He had been earning Rs.4000/- per month by selling fruits in Sabji Mandi, Ballabgarh. It is further submitted that adequate compensation may be awarded by applying multiplier method. Besides, compensation under conventional heads needs enhancement.

There is no representation on behalf of the Insurance company.

Smt. Rukmani, mother of deceased Rajiv appeared in the witness box and deposed that the deceased was a student of B.A. Part-1.

However, the claimants did not adduce any evidence to establish their plea

that deceased was involved in a commercial activity qua sale of fruits in Sabji Mandi, Ballabgarh much less earning Rs.4000/- per month from the said business. Under the circumstances, the Court has to rely upon minimum wage fixed by the State of Haryana and available at the relevant time. Taking into consideration minimum wage of an unskilled worker coupled with that the deceased was a student of B.A.Part-1, notional income of the deceased is assessed at Rs.2000/- per month. By extending benefit of additional income for future prospects to the extent of 50% and deduction of 50% for personal expenses of the deceased, loss of dependency comes to Rs.1500/- per month. As the deceased was 20 years old, admissible multiplier is 18. In this manner, loss of dependency comes to Rs.1500/- X 12 X 18 = Rs.3,24,000/-.

Under the conventional heads, the claimants are awarded Rs.10,000/- for expenses on funeral and last rites and Rs.25,000/- for loss of love and affection to the mother. The total compensation comes to Rs.3,59,000/- and the additional amount is Rs.3,09,000/-(Rs.3,59,000-Rs.50000/-). The additional amount shall carry interest @ 7.5% per annum from the date of petition till realization, payable to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

[Rekha Mittal]
Judge

11.09.2017

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Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No