IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3915 of 2001 (O&M)
Date of Decision: 24.10.2017

Ajmer Kaur and others

...Appellant(s)

Versus

Gajjan Singh and others

... Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Varun Mittal, Advocate for
Mr. V.M. Gupta, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate
for respondent No.3.

ANITA CHAUDHRY, J.

This is the claimants appeal seeking enhancement in the award dated 04.08.2001 passed by the Motor Accident Claims Tribunal, Roopnagar.

The record of this file had been burnt in the fire incident which had taken place in the year 2011. Only copy of the award and grounds of appeal are available. Both the parties had stated that the matter can be decided on the basis of the award and the other available material.

Lal Chand met with an accident on 19.07.2000. He was a labourer. He was said to be earning Rs.5,000/- per month. The Tribunal took the income to Rs.1500/- per month and deducted 1/3rd as personal expenses and applied the multiplier of 12 and calculated the compensation at Rs.1,44,000/-.

I have heard learned counsel of both the sides.

The submission made on behalf of the appellants is that the income is taken on the lower side and the age of Lal Chand was noted as 35 years old but the Tribunal applied the multiplier of 12 which should have been 16 and no amount has been allowed on the miscellaneous heads.

The submission on behalf of the Insurance Company is that the incident had taken place in the year 2000 and the minimum wages were around Rs.1500/- and not Rs.5000/- which was projected and the Tribunal had rightly taken the income to assess the loss. It was urged that any addition made on the miscellaneous heads should be keeping the year of accident into consideration as the Insurance Company would be burdened with payment of interest.

The minimum wages were around Rs.1800/- in Punjab. The Tribunal had taken the income at Rs.1500/-, therefore, the calculations will have to be made again by taking the income to be Rs.1800/- and considering the fact that there were 3 minor children and a widow, the deduction would be $1/4^{th}$ and the amount available for the family would be Rs.1,350/- and the compensation would be 1350x12x16=Rs.2,59,200/-. To this amount, a sum of Rs.10,000/- should be added for funeral expenses, Rs.25,000/- for loss of consortium, Rs.25,000/- for loss of love and affection for the children, and Rs.5,000/- for transportation, which raises the total to Rs.3,24,200/-.

The Tribunal had allowed Rs.1,44,000/- which would be deducted and the remaining amount would be payable by the Insurance Company with interest @6% from October 2001.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

October 24, 2017
ps-I

Whether Reasoned/Speaking Yes/No
Whether Reportable Yes/No