

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

FAO No.625 of 2001
Date of decision : 13.10.2017

Savitri Devi and others

...Appellants

Versus

Ashok Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Nehra, Advocate for the appellants.

Mr. Vivek Khadwal, Advocate for
Mr. Shiv Kumar, Advocate for respondent No.2.

Mr. Vinod Chaudhary, Advocate
for respondent No.3-New India Assurance Company Ltd.

ANIL KSHETARPAL, J. (ORAL)

The claimants are in appeal against the judgment passed by the
Motor Accident Claims Tribunal, Jhajjar.

Ashwani Kumar, the young man of 24 years of age had died in
a motor accident. The Motor Accident Claims Tribunal, Jhajjar while taking
the income of the deceased to be ₹1500/- had applied the cut of 1/3rd and
thus worked out the dependency as ₹1000/- per month. The Tribunal had
applied the multiplier of '11' and thus worked out the compensation payable
at ₹1,32,000/-.

The mother of the deceased had come into the witness-box as
PW1. It has been stated that the deceased was running a General Merchant

Shop in the village. It is claimed that the deceased was earning ₹5,000/- per month. However, no documentary evidence in support thereof was produced.

Taking into consideration the fact that the accident took place on 15.03.1998 and the minimum wages of a unskilled labour would not be less than ₹2500/- per month. Therefore, taking the income of the deceased as ₹2500/-, the calculations are being made. Dependency after applying 1/3rd deduction comes to ₹1600/- p.m. (Yearly dependency would come to ₹1600/- x 12 = ₹19,200/-). Since the deceased was 24 years old, therefore, the multiplier of 15 is being applied and dependency would come to ₹2,88,000/- (₹19,200/-x 15).

Therefore, the amount payable is described under the following heads:-

<i>HEADS</i>	<i>AWARDED BY MACT</i>	<i>AWARDED BY HIGH COURT</i>
Dependency	₹1,32,000/-	₹2,88,000/-
Funeral Expenses	NIL	₹10,000/-
Love and Affection	NIL	₹1,00,000/-
Total	₹1,32,000/-	₹3,98,000/-

The enhanced amount i.e. ₹2,66,000/- shall attract interest at the rate of 8% p.a. from the date of accident till the date of payment.

In view of the above, the present appeal is allowed.

13.10.2017

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No