

In the High Court of Punjab and Haryana at Chandigarh

FAO- 1854 of 2009(O&M)
Date of Decision: 14.12.2017

Ramjan and others

---Appellants

versus

Tahir and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants

Mr. Subhash Goyal, Advocate,
for the insurance company

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation in regard to death of Munfed in a motor vehicular accident that took place on 8.9.2007.

The Motor Accidents Claims Tribunal, Nuh (in short “the Tribunal”) has assessed compensation to the tune of Rs. 3,25,000/-, detailed hereinbelow:-

Monthly income of the deceased	Rs. 3500/-
Deduction for personal expenses	½
Multiplier	15
Loss of dependency	Rs. 21000 x15 =3,15,000
Funeral expenses	Rs. 10,000/-

Counsel representing the insurance company has supported the

assessment made by the Tribunal with the plea that claimants have failed to adduce satisfactory much less convincing evidence that the deceased was an electrician and motor binder, earning Rs. 8000/- per month.

There is no representation on behalf of the claimants/appellants.

The Tribunal in para 18 of the award has noticed that except bald statement of Ramjan PW1, father of the deceased, there is no evidence to prove avocation and income of the deceased. However, the Tribunal has assessed his income at Rs. 3500/- per month being an electrician. Taking a clue from the notification issued by the State of Haryana fixing minimum wage of various categories of employees, income of the deceased is assessed at Rs. 3600/- per month. As the deceased was 21 years old, admissible multiplier would be 18. Deduction allowed by the Tribunal is affirmed. However, the claimants shall be entitled to increase in income for future prospects to the extent of 40%. In this manner, loss of dependency comes to Rs. $3600 \times 12 \times 18 = 7,77,600 + 3,11,040$ (40% thereof) = $10,88,640 - 5,44,320$ (50% deduction) = Rs. 5,44,320/-.

Under conventional heads, claimants shall be entitled to following compensation in the light of judgment of Hon'ble the Supreme Court of India **National Insurance Company Limited vs. Pranay Sethi and others** 2017 SCC 1270 :-

Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

The total compensation is **Rs. 5,74,320/-** and the additional amount is **Rs. 2,49,320/-** ($5,74,320 - 3,25,000$). The additional amount

shall carry interest at the rate of 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

14.12.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No