

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

FAO No. 3098 of 2009(O&M)

Date of decision: 27.7.2018

Narinder Kaur

.....Appellant

VERSUS

Nachhatar Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vipin Mahajan, Advocate for the appellant.

Mr. Ashok Jindal, Advocate for respondents No.1 and 2.

Mr. Pardeep Goyal, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Gurdaspur (in short 'the Tribunal') on account of death of Rupinder Singh @ Rimpi out of use of motor vehicle No.PB03-P-9721 in a motor vehicular accident that took place on 07.09.2007.

The Tribunal has awarded compensation of Rs.2,56,000/- detailed hereunder:-

Monthly income of the deceased	Rs.2000/-
Deduction for personal expenses	1/3 rd
Multiplier	16
Loss of dependency	Rs.2,56,000/-

The plea of the claimant is that the deceased was an agriculturist. There is no evidence on record that the deceased owned or possessed any land. Taking into consideration the minimum wage

available at the relevant time, income of the deceased is assessed at Rs.2700/- per month. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. However, as the deceased is held to be 25 years of age, admissible multiplier would be 17. In this manner, loss of dependency comes to Rs.3,67,200/- [Rs.5,50,800/- (Rs.2700 x 12x 17) – Rs.1,83,600/- (1/3rd deduction towards personal expenses).

Under conventional heads, the claimants shall be entitled to Rs.4500/- i.e. Rs.2000/- for funeral expenses and Rs.2500/- for loss to estate.

In view of the above, total compensation comes to Rs.3,71,700/- and the additional amount is Rs.1,15,700/- (Rs.3,71,700/- - Rs.2,56,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization. The liability of the insurance company to pay compensation would be subject to outcome of determination on issue No.3 in terms of order of even date passed in FAO No.1090 of 2009.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

JULY 27, 2018
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no