

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

**FAO No.2579 of 2013 (O&M)
Date of Decision: May 08, 2017**

Jaswinder Kaur @ Kiranpreet Kaur & Ors.

..Appellant(s)

Versus

Daljit Singh and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.S. Brar, Advocate
for the appellants.

Mr. Pradeep Kumar, Advocate and
Mr. Rahul Pathania, Advocate
for respondent no.3-insurance company.

ANITA CHAUDHRY, J.

This is the claimants' appeal seeking enhancement in the award dated 02.01.2013 passed by the Motor Accident Claims Tribunal, Sri Muktsar Sahib.

Pushpinder Singh met with an accident on 01.03.2011. He was 32 years old. He was taken to be a skilled worker as no evidence could be produced to show his income and making a deduction of 1/4th and applying the multiplier, the compensation was calculated to be Rs.8,64,000/-. A sum of Rs.5,000/- was added for funeral expenses and a sum of Rs.5,000/- for loss of consortium, raising the total to Rs.8,74,000/-.

The submission on behalf of the appellants is that the income has been taken on the lower side and the amount awarded on miscellaneous heads is on the lower side. It was urged that no amount had been awarded for loss of love and affection for the children.

The submission on the other hand is that the deceased left behind two minor children and the other claimants were the parents and in the presence of the father, the mother could not be dependent on the son and deduction was not correctly made and in this manner, the Court has already allowed a higher amount and therefore, no addition should be made.

There is no cross-objection or any appeal by the insurance company, therefore, I would not make any change in the deduction.

The income was rightly taken as Rs.6,000/- per month as the claimants had failed to prove that the deceased was running a business or had taken any shop on rent. The minimum wages in Punjab in the year 2011 were Rs.3,842/- per month. For the semi-skilled person, the income was Rs.4,187/- per month. Therefore, I would not make any change in the income. Even if it is taken that the deceased was the skilled labourer, the income has been taken to be on the higher side. The multiplier was correctly applied, therefore, no modification is required. However, only a sum of Rs.5,000/- is allowed as funeral expenses, which should be Rs.20,000/- more. The amount allowed for loss of consortium is also less, therefore, Rs.25,000/- more is allowed for loss of consortium and Rs.1,00,000/- is allowed for loss of love and affection for the minor

children. The total amount payable would be Rs.2,20,000/- over and above the amount allowed by the Tribunal. It would be apportioned in the same ratio as was allowed by the Tribunal. The amount would be paid at the same rate of interest as awarded by the Tribunal from April, 2013.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

May 08, 2017
sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No