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

**FAO-2568-2015
Decided on : July 31, 2017**

MANDEEP KAUR AND OTHERS ....APPELLANTS

VERSUS

HARVEL SINGH AND OTHERS ....RESPONDENTS

CORAM : HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Dheeraj Narula, Advocate
for the appellants.

Mr. Rajbir Randhawa, Advocate
for respondent No.1.

Mr. Subhash Goyal, Advocate
for respondent No.3-Insurance Company.

REKHA MITTAL, J (ORAL)

The claimants are in appeal seeking enhancement of compensation in regard to death of Chhinda Singh in a motor vehicular accident that took place on 27.09.2012.

The Motor Accidents Claims Tribunal, Sirsa (in short "the Tribunal") assessed income of the deceased at Rs.4500/- per month, added 50% for future prospects, deducted 1/4th for personal expenses and adopted a multiplier of 15 to compute loss of dependency. In addition, an amount of Rs.1,00,000/- towards consortium to the widow, Rs.25,000/- for expenses on funeral and Rs.50,000/- for loss of love and affection and Rs.12,505/- towards expenses on medical treatment of the deceased has been awarded making total compensation to Rs.10,98,305/-.

Counsel for the appellants would submit that income of the deceased is liable to be enhanced even if he is taken as a casual labourer. Compensation awarded under conventional heads needs re-look and enhancement.

Counsel representing the Insurance Company has supported the Award with the submission that adequate compensation has been awarded by the Tribunal.

I have heard counsel for the parties, perused the paper book particularly the Award.

Indisputably, the accident took place on 27.09.2012. The claimants failed to establish their plea that the deceased was an agriculturist by taking land of others for cultivation. The Tribunal has assessed income of the deceased on the basis of wage of an unskilled worker. Taking a clue from the notification issued by the State of Haryana fixing minimum wages, income of the deceased is assessed at Rs.5000/- per month. Findings of the Tribunal with regard to grant of benefit of future prospects, multiplier and deduction are affirmed. In this manner, loss of dependency comes to Rs.5625 x 15 x 12 =**Rs.10,12,500/-.**

Under the conventional heads, compensation awarded by the Tribunal for loss of consortium and expenses on funeral is affirmed. The deceased left behind his widow, two minor sons, two minor daughters and mother, held to be dependent upon his earnings. The appellants are held entitled to an amount of **Rs.3,00,000/-** to the children (to be shared equally) and **Rs.50,000/-** to the mother for loss of love and affection. They shall be entitled to another amount of **Rs.25,000/-** for loss of estate. The total compensation comes to (Rs.10,12,500/- + 3,00,000/- + Rs.50,000/- +

Rs.25,000/- + Rs.1,25,000/-) = **Rs.15,12,500/-** and additional amount is **Rs.4,14,195/-**. The additional amount shall carry interest @ 7.5% per annum from the date of petition till realization to be shared by the widow and children of the deceased in equal share. The share of the children shall be deposited in a Fixed Deposit Receipt for a period of three years or till they attain the age of majority, whichever is later. The claimants shall not be entitled to raise any loan against the FDRs.

The appeal is partly allowed in the aforesaid terms.

July 31, 2017 **(REKHA MITTAL)**
rajneesh/paramjeet **JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No