

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

FAO No.2636 of 2015
Date of decision: 10.08.2017

Smt. Manohri Devi

...Appellant

Versus

Om Parkash and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Neeraj Khanna, Advocate for the appellant.

Mr. Lalit Garg, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

Manohri Devi widow of late Sh. Roshan Lal is seeking enhancement of compensation in regard to death of Roshan Lal in a motor vehicular accident that took place on 10.04.2013.

The Motor Accidents Claims Tribunal, Panchkula (in short 'the Tribunal') assessed income of the deceased at Rs.3,000/- per month and adopted a multiplier of 9 to compute loss of dependency to the tune of Rs.3,24,000/-. In addition, an amount of Rs.1,00,000/- for loss of consortium and Rs.25,000/- for last rites and funeral expenses has been awarded making total compensation to Rs.4,49,000/-.

Counsel for the appellant has submitted that income assessed by the tribunal is on lower side and liable to be enhanced. The tribunal has not awarded any compensation for loss of estate and love and affection.

Counsel representing the insurance company would urge that as the deceased was 59 years old, the tribunal has rightly assessed his income at Rs.3,000/- per month even though the minimum wage available to an unskilled worker may be more. It is further submitted that adequate compensation may be awarded under conventional heads.

I have heard counsel for the parties, perused the paper book and the award.

The application for grant of compensation was filed by widow of the deceased aged about 57 years. There is nothing on record suggestive of the fact that the deceased was suffering from any ailment rendering him unable to work and earn livelihood for himself and his family. Taking into consideration age of the deceased and minimum wage available at the relevant time, income of the deceased is assessed at Rs.4,500/- per month. Findings of the tribunal with regard to deduction and multiplier are affirmed. The loss of dependency comes to Rs.(4,500 x 12 x 9) - 1/3rd for personal expenses = Rs.3,24,000/-.

The tribunal has rightly awarded an amount of Rs.1 lakh on account of loss of consortium which also includes loss of love and affection to the widow. Compensation awarded by the tribunal under conventional heads is affirmed. In addition, the appellant shall be entitled to an amount of Rs.25,000/- for loss of estate. In this manner, total compensation comes to Rs.4,74,000/- and the additional amount is Rs.25,000/-. The additional amount shall carry interest at the rate of 7.5% per annum from the date of

petition till realization.

Appeal is partly allowed in the aforesaid terms.

10.08.2017
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No