

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

-.-

FAO 2650 of 2015 (O&M)  
Date of decision: 08.08.2017

*Jaswinder Kaur and others*

*..... Appellants*

*Versus*

*Satish Kumar and others*

*..... Respondents*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: Mr.Vivek Suri, Advocate  
for the appellants

Mr Vikas Chaudhary, Advocate  
for respondent No. 4

-.-

**Rekha Mittal, J. (oral)**

The claimants are in appeal seeking enhancement of compensation in regard to death of Jasbir Singh alias Jasvir Singh son of late Gurnam Singh in a motor vehicular accident that took place on 05.12.2013.

The Motor Accidents Claims Tribunal, Patiala (in short, 'the Tribunal') assessed income of the deceased at Rs.4,000.00 per month, deducted 50% for personal expenses as the deceased was unmarried, applied a multiplier of 14 and allowed benefit of future prospects to the extent of 50% to compute loss of dependency to the tune of Rs.6,48,000.00. In addition, an amount of Rs.25,000.00 towards funeral expenses has been awarded making total compensation of Rs.6,73,000.00 payable with interest

at the rate of 6% per annum from the date of petition till realization.

Counsel for the appellants would urge that even if income of the deceased is assessed on the basis of minimum wage available to an unskilled worker in the State of Punjab in December 2013, income should not be less than Rs.6,000-6,500 per month. The Tribunal has not awarded any compensation for loss of love and affection and loss of estate.

Counsel representing insurance company would submit that adequate compensation has been awarded by the Tribunal by allowing benefit of future prospects as well as multiplier in view of age of the deceased.

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

The Tribunal in para 23 of the award has held that in absence of any specific evidence and in view of age of the deceased, his income can be assessed at Rs.4,000.00 per month. There is nothing on record suggestive of the fact that the deceased was suffering from any disability creating handicap for putting in his best to earn livelihood for his family consisting of his widowed mother and two sisters.

Taking a clue from the minimum wages fixed by the State of Punjab and available in December 2013, income of the deceased is assessed at Rs.6,250.00 per month. The Tribunal has rightly allowed benefit of future prospects and adopted a multiplier of 18 as the deceased was less than 25 years of age.

In view of the above, loss of dependency comes to

**Rs.10,12,500.00** (6,250.00 x 12 x 18 = 13,50,000.00 + 6,75,000.00 (F.P.

50%) - 10,12,500.00 (50% deductions). Compensation of Rs.25,000.00 for funeral expenses allowed by the Tribunal is affirmed. The claimants are awarded an amount of Rs.1,00,000.00 for loss of love and affection. In this manner, total compensation comes to **Rs.11,37,500.00** and the additional amount is **Rs.4,64,500.00** (11,37,500.00-6,73,000.00). The additional amount shall carry interest at the rate of 7.5% per annum from the date of petition till realization, payable exclusively to mother of the deceased.

Allowed in the aforesaid terms.

(Rekha Mittal)  
Judge

08.08.2017  
mohan bimbura

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