IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4437-2014 (O&M)

Date of decision: 07.12.2017

MAKSOOD & ANR ...Appellants

Versus

HAMID & ORS ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Chetan Kapoor, Advocate for
Mr. Ashish Gupta, Advocate
for the appellants.

Mr. Sahil Abhi, Advocate
for respondent No.3.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Rakib in a motor vehicular accident that took place on 10.03.2013.

The Tribunal has allowed compensation of Rs.1,20,000/- i.e. Rs.1 lakh for loss of love and affection and Rs.20,000/- qua expenses on transportation and last rites of the deceased.

The plea of the claimants is that the deceased was an employee at a private shop at Punhana and taking training of furniture work at salary of 8000/- per month. The deceased was stated to be engaged in agricultural work as well. Maksood, father of the deceased appeared in the witness box, tendered into evidence his affidavit Ex.PW3/A and reiterated version of the claimants. Umar, owner of furniture shop at Punhana was examined and tendered into evidence his affidavit Ex.PW2/A to corroborate version of the claimants. However, it has been noticed by the Tribunal that Umar did not produce any documentary evidence with regard to his running a shop of manufacturing and selling furniture at Punhana. Under the circumstances, income of the deceased is assessed by taking into consideration minimum wage of an unskilled worker. Accordingly, income of the deceased is assessed at Rs.5200/- per month. As per age of the deceased, multiplier of 18 is admissible in the light of ratio laid down in **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**. The deceased was unmarried son of the claimants, therefore, admissible deduction for personal expenses would be 50%. However, the claimants shall be entitled to increase in income for future prospects to the extent of 40%. In this manner, loss of dependency comes to Rs.5200 x 12 x 18 + 40% (future prospects) – 50% (deduction for personal expenses) = Rs.7,86,240/-.

Under conventional heads, claimants shall be entitled to following compensation:-

1. Expenses on funeral/last rites	Rs.15,000/-
2. Loss of estate	Rs.15,000/-
Total	**Rs.30,000/-**

The total compensation comes to Rs.8,16,240/- and the additional amount is Rs.6,96,240/- (8,16,240 – 1,20,000). The additional amount shall carry interest @ 7.5% per annum from the date of petition till realization, payable to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

07.12.2017 **(REKHA MITTAL)**
ashok **JUDGE**

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