

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 4659 of 2014 (O&M)

Date of Decision: 26.7.2017

Ram Sarup

.....Appellant

Versus

Rajesh Kumar Sharma and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rajesh Dhankar, Advocate for
Mr. Vikram Sheoran, Advocate
for the appellants.

Mr. Sanjeev Kodan, Advocate
for the Insurance Company.

ANITA CHAUDHRY, J

CM-13192-CII-2014

The application is allowed for the reasons stated therein.

The delay of 475 days in filing the appeal. The reason given is not sufficient but considering that the Act is benevolent, delay is condoned subject to the condition that the appellant will not be entitled to interest.

FAO-4659-2014 (O&M)

This is the claimant's appeal seeking enhancement in the award dated 14.9.2012 passed by the Motor Accident Claims Tribunal, Hisar.

Counsel for the appellant states that service upon respondents No. 1 and 3 can be dispensed with as the liability is on the insurance company.

Ordered accordingly.

Few facts are necessary. Pardeep Kumar met with an accident

on 22.1.2012. He was 24 years old. His income was taken as Rs. 6,000/- per month. The deduction of 50% was made as he was unmarried and multiplier of 7 was applied as the parents were in the age group of 62 to 65. Rs. 5,000/- was allowed for loss of love and affection, Rs. 5,000/- for funeral expenses and Rs. 10,000/- for transportation. A claim of Rs. 2,72,000/- was passed.

I have heard both the sides.

The submission of the appellant firstly is that the income was taken on the lower side as the deceased had a licence to drive heavy vehicle and the income should have been taken on the higher side. The counsel submits that the instructions of the Government to the Deputy Commissioner with respect to the wages are available on record. The counsel further submits that the amount allowed for loss of love and affection and funeral expenses is on the lower side.

The minimum wages for the labourer in Haryana in 2012 were Rs. 4268/-, for the skilled worker it was Rs. 5,000/- and for the highly skilled, it was Rs. 5447/-. The income has been taken as Rs. 6,000/- which I do not propose to change. The deduction of 50% had to be made since the deceased was unmarried and the parents were the claimants. The multiplier was correctly applied. However, the only addition to be made is with respect to the amount allowed for loss of love and affection for the mother and funeral expenses. The amount allowed to these heads is on the lower side. Therefore, Rs. 95,000/- is added for loss of love and affection for the mother and Rs. 20,000/- is allowed for funeral expenses raising the total to Rs. 1,15,000/-. This amount would be paid to the claimant within two months

from the receipt of the copy of the order failing which the claimant would

be entitled to interest @ 6% from April 2014 onwards.

The award is modified. The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

July 26, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No