

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 5080 of 2016(O&M)

Date of decision: 29.8.2017

Smt. Pooja and othersAppellants

VERSUS

Narinder Singh @ Ninda and othersRespondents

CORAM: HON’BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. K.S. Dhanora, Advocate for the appellants.

REKHA MITTAL, J.(Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Kurukshetra (in short ‘the Tribunal’) in regard to death of Rakesh Kumar in a motor vehicular accident that took place on 16.07.2013.

The Tribunal assessed compensation to the tune of Rs.19,52,348/- detailed hereunder:-

Sr. No.	Heads	Calculations
(i)	Income	Rs.6655/- per month
(ii)	50% of income to be added as future prospects	Rs.6655 + 3327 = Rs.9982/- per month
(iii)	1/4 th of column (ii) deducted as personal & living expenses of deceased	Rs.9982 – 2495 = Rs.7487/- per month
(iv)	Annual income of the deceased	Rs.7487/- x 12 = Rs.89844/-
(v)	Compensation after multiplier of 17 is applied	Rs.89844/- x 17 = Rs.15,27,348/-
(vi)	Loss of consortium (to wife)	Rs.1,00,000/-
(vii)	Loss of love and affection (for children) @ Rs.1,00,000/- each	Rs.2,00,000/-
(viii)	Loss to estate (mother)	Rs.1,00,000/-
(ix)	Funeral expenses & transportation	Rs.25,000/-
	Total compensation awarded	Rs.19,52,348/-

The sole submission made by counsel for the appellants is that the Tribunal has not awarded any compensation for loss of love and affection to mother of the deceased and income of the deceased assessed by the Tribunal is on lower side.

I have heard counsel for the appellants, perused the paper-book particularly the award.

Counsel for the appellants has not disputed factual findings recorded by the Tribunal in para 18 of the award that no evidence regarding employment of deceased as clerk to the Advocate or his income has been produced on record. The Tribunal by taking into consideration the minimum wage fixed by the State of Haryana has assessed his income at Rs.6,655/-. Counsel for the appellants has not disputed the minimum wage fixed by the State of Haryana and available at the relevant time. Under the circumstances, findings of the Tribunal assessing income of the deceased cannot be faulted with.

The Tribunal has awarded an amount of Rs.1,00,000/- for loss of estate to mother of the deceased, therefore, no separate compensation for loss of love and affection is to be paid to the mother.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed. As the appeal has been decided on merits, application for condonation of delay is of academic relevance only.

AUGUST 29, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no