

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO No.7759 of 2015 (O&M)

Date of decision: 24.10.2017

Santosh Devi and others

..... Appellants

Versus

Mukesh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Bhawna Grewal, Advocate, for
Mr. S.K. Yadav, Advocate
for the appellants.

Mr. Vijesh Sharma, DAG, Haryana.

Mr. Lalit Garg, Advocate
for respondent No.4-Insurance Company.

ANIL KSHETARPAL, J. (ORAL)

Claimants are in appeal for enhancement of the compensation.

Late Sh. Natha Ram aged 36 years had died in a motor vehicle accident.

Motor Accident Claims Tribunal has found that respondent No.1 was rash and negligent while driving the offending vehicle.

Motor Accident Claims Tribunal has assessed the compensation by taking the income of the deceased as ₹ 5,000/- per month. Learned counsel for the appellant has brought my attention to the order dated 26.06.2014 issued by the Deputy Commissioner fixing the minimum wages of unskilled labour as ₹ 8100/- per month. However in the present case, late Sh. Natha Ram was not employed with the Government but certainly the aforesaid instructions issued by the Deputy Commissioner can

be taken as a guideline.

Taking into consideration the aforesaid fact, the income of the deceased is assessed as ₹ 7,000/-. Learned Motor Accident Claims Tribunal has added 50% of the amount towards future prospects. Hence the calculation is made as under:-

<i>Heads</i>	<i>Awarded by MACT</i>	<i>Awarded by High Court</i>
Income taken	₹ 5,000/-	₹ 7,000/-
+ 50% future prospects	₹ 2500/- 5,000 + 2500/ = 7500/-	₹ 3500/- 7,000 + 3500 = 10,500/-
- 1/4 th deduction	₹ 1875/- 7500 – 1875 = 5625/-	₹ 2625/- 10,500 – 2625 = 7875/-
Annual dependency	5625 x 12 = 67,500/-	7875 x 12 = 94500/-
Multiplier of 15	67500 x 15 = 10,12,500/-	94500 x 15 = 14,17,500/-
Loss of Consortium	₹ 1,00,000/-	₹ 1,00,000/-
Loss of love and affection	₹ 1,00,000/-	₹ 1,00,000/-
Funeral expenses	₹ 25,000/-	₹ 25,000/-
Total	₹ 12,37,500/-	₹ 16,42,500/-

In view thereof, the appeal is allowed. The enhanced amount of ₹ 4,05,000/- shall attract interest @ 7.5% per annum from the date of the accident till the date of payment.

24.10.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No