

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

204

FAO-1506-2001 (O&M)
Date of decision: 09.08.2018

SURAJ MAL AND ANR

... Appellants

Versus

SURESH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Jai Bhagwan @ Jai Om in a motor vehicular accident that took place on 23.01.1999.

The Tribunal has awarded compensation of Rs.1,51,000/-, detailed hereunder:-

1. Monthly loss of income	Rs.1600/-
2. Monthly loss of dependency	Rs.700/-
3. Multiplier	18
4. Loss of dependency	1,51,200/-
	(rounded of to Rs.1,51,000)

The plea of the claimants is that Jai Bhagwan was working as a driver and earning Rs.3500/- per month as salary and Rs.50/- per day as daily allowance. There is oral evidence in the shape of testimonies of Surender PW2 and Suraj Mal, one of the claimants PW1 with regard to income of the deceased. The deceased was matriculate and had Diploma from ITI. Taking into consideration the minimum wage of a skilled worker

available at the relevant time coupled with educational qualification of the deceased, income of the deceased is assessed at Rs.2000/- per month. Claimants shall be entitled to addition in income for future prospects @40%. Deduction for personal expenses would be 50%. As the deceased was 28 years old, admissible multiplier is 17. In this manner, loss of dependency is calculated at Rs.2,85,600/- $[(Rs.2000 \times 12 \times 17) + (40\% \text{ future prospects}) - (50\% \text{ deduction for personal expenses})]$.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitled to Rs.30,000/-, i.e. Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate.

Total compensation is Rs.3,15,600/- and the additional amount is Rs.1,64,600/- $(3,15,600 - 1,51,000)$, payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

09.08.2018

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Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No