

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

FAO No.3829 of 2001(O&M)

Date of decision: 27.4.2018

Balbir Kaur and others

.....Appellants

VERSUS

Darshan Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: None.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Mansa (in short 'the Tribunal') on account of death of Gamdoor Singh in a motor vehicular accident that took place on 15.01.1999.

The Tribunal has awarded compensation to the tune of Rs.3,38,000/- detailed hereunder:-

Monthly income of the deceased	Rs.3000/-
Deduction for personal expenses	1/3 rd
Multiplier	14
Loss of dependency	Rs.3,36,000/-
Funeral expenses	Rs.2,000/-

Counsel(s) for the parties are not present despite intimation sent by the Registry. As the appeal has been filed by the claimants seeking

enhancement of compensation, a serious prejudice would be caused to the claimants in case the appeal is dismissed for non-prosecution or not decided on merits.

I have gone through the paper-book particularly the award passed by the Tribunal.

The Tribunal in para 9 of the award has dilated on the question of determination of income of the deceased. Except bald statement of widow of the deceased, there is no evidence with regard to the deceased being engaged in various activities such as keeping a dairy farm being an agriculturist and income from the said business. The Tribunal has accepted plea of the claimants that the deceased was a driver and assessed his income at Rs.3,000/- per month. There is no justification for increase in income of the deceased and accordingly findings of the Tribunal qua income of the deceased are affirmed. The Tribunal has rightly deducted 1/3rd towards personal expenses. As the deceased was 35 years old, admissible multiplier is 15. Claimants shall be entitled to benefit of future prospects at the rate of 40%. In this manner, loss of dependency comes to Rs.5,04,000/- [Rs.3,60,000/- (Rs.2000 x 12 x 15) + Rs.1,44,000/- (40% future prospects)].

Under conventional heads, claimants shall be entitled to Rs.70,000/- detailed hereunder:-

Loss of consortium	Rs.40,000/-
Expenses on funeral	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation comes to Rs.5,74,000/- and additional amount is Rs.2,36,000/- (Rs.5,74,000/- - Rs.3,38,000/-) , payable with interest at the rate of 7.5% per annum from the date of petition till realization to be shared by the claimants in terms of award passed by the Tribunal. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

APRIL 27, 2018
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no