Sr.No.204

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

FAO No. 954 of 2001(O&M)
Date of Decision:-25.07.2018

Paramjit Kaur ....Appellant

vs.

Gurmit Singh and others ....Respondents

CORAM HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. GK Turka, Advocate for the appellant.
Mr.Vinod Chaudhari, Advocate for the respondent no.3

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REKHA MITTAL,J

The claimant is in appeal seeking enhancement of compensation on account of death of her father in a motor vehicular accident that took place on 10.08.1995.

The Tribunal has assessed compensation of ₹82,000/-, detailed hereunder:-

1.	Monthly income of deceased	₹1,500/-
2.	Deduction for personal expenses	1/3rd
3.	Multiplier	6
4.	Expenses on treatment and transportation	₹5000/-
5.	Expenses on last rites	₹5,000/-

The Tribunal has assessed income of the deceased by treating him as a daily wager. The plea of the claimant is that the deceased was a Carpenter. She did not examine a witness with whom the deceased worked as a Carpenter. When the case is examined in the light of notification issued by the State of Punjab fixing minimum wages for various categories of workers including skilled persons, there is no scope for enhancement of income of the deceased.

The application for compensation was filed by the widow and daughter of the deceased but widow of the deceased died later. The Tribunal has rightly applied deduction to the extent of 1/3rd. The deceased was 55 years old. Claimant shall be entitled to addition in income for future prospect @ 10%. The admissible multiplier would be 11. In this manner, loss of dependency is calculated at ₹1,45,200/- [(1500 x 12 x 11) + (10% future prospects) - (1/3rd deduction for personal expenses)].

Under the conventional heads, claimant shall be entitled to ₹30,000/-,detailed hereunder:-

1. Loss of estate	₹15,000/-
2. Funeral expenses	₹15,000/-

The amount of ₹5,000/- awarded by the Tribunal for treatment and transportation is affirmed.

In view of the above, total compensation is ₹1,80,200/- and the additional amount is ₹98,200/- (₹1,80,200/- - ₹82,000/-) payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

25.07.2018 **(REKHA MITTAL)**
mamta **JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No