

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 3055 of 2013(O&M)

Date of Decision: 26.4.2018

Kala Ram and another

---Appellants

versus

Shri Abdul Bashid and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants

Mr. Vipul Sharma, Advocate,
for Mr. Paul S.Saini, Advocate
for the insurance company

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Manjit in a motor vehicular accident that took place on 14.10.2011.

The Motor Accidents Claims Tribunal, Karnal (in short “the Tribunal”) has awarded a consolidated sum of Rs. 2,40,000/-.

Counsel for the insurance company has supported compensation awarded by the Tribunal by contending that claimants have been adequately compensated.

The deceased was 17 years old daughter of the claimants. As per plea of the claimants, she was a student of 10+2 and was giving tuition to students of 4th and 5th standard, thus, earning Rs. 5000/- per month.

The claimants have not placed on record any document with regard to educational qualification of the deceased. However, there is nothing on record suggestive of the fact that the deceased had any disability to impair her capacity to work and earn livelihood for herself and contribute to income of the family. Taking a clue from notification fixing minimum wage at the relevant time, income of the deceased is assessed at Rs. 4650/- per month. Claimants shall be entitled to increase in income for future prospects @ 40%. Admissible deduction for personal expenses would be 50% and multiplier to be 18. In this manner, loss of dependency comes to Rs. 7,03,080/- $[4650 \times 12 \times 18 = 10,04,400 + 4,01,760 = 14,06,160 (40\%) - 7,03,080 (50\%)]$.

Under conventional heads, claimants shall be entitled to Rs. 30,000/- i.e. Rs. 15,000/- for expenses on funeral and Rs. 15,000/- for loss of estate.

Total compensation is Rs, 7,33,080/- and the additional amount is Rs. 4,93,080/- $(733,080 - 2,40,000)$, payable with interest @ 7.5% per annum from the date of petition till realization to mother of the deceased. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

26.4.2018

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No