

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

212

FAO-1516-2014 (O&M)
Date of decision: 29.05.2018

ALKA RANI & ORS

.. Appellants

Versus

BALDEV SINGH & ORS

.. Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mrs. Amandeep Kaur, Advocate for
Mr. Ashwani Arora, Advocate for the appellants.

Mr. B.S. Taunque, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Devraj Sharma in a motor vehicular accident that took place on 24.06.2012.

The Tribunal has awarded compensation of Rs.4,23,200/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.3600/-
2. Multiplier	13
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.4,21,200/-
5. Expenses on funeral	Rs.2000/-

The plea of the claimants is that the deceased was running a Gas Welding Shop in the name and style of Gholia Steel Furniture, Moga and earning Rs.15,000/- per month. The Tribunal has held in para 18 of the award that no document is placed on the file to prove that the deceased was running any such business or his monthly income was Rs.15,000/-. However, the Tribunal has assessed his income @ Rs.3600/- per month. Taking a clue from notification issued by the State of Punjab fixing minimum wage and available at the relevant time, income of the deceased is

assessed at Rs.4300/- per month. Claimants shall be entitled to benefit of future prospects @ 25%. Multiplier and deduction for personal expenses allowed by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs.6,28,875/- [(Rs.4300 x 12 x 13) + (25% future prospects) – (1/4th deduction for personal expenses)].

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

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.6,98,875/- and the additional amount is Rs.2,75,675/- (6,98,875 – 4,23,200), payable with interest @ 7.5% per annum from the date of petition till realization to the widow and minor children of the deceased in equal ratio. The share of the children shall be invested in fixed deposit payable on their attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

29.05.2018

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Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No