

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

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FAO-1694-2014 (O&M)
Date of decision: 07.05.2018

MAHANGI BAI

... Appellant

Versus

RAJU & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ram Pal Verma, Advocate
for the appellant.

Ms. Vandana Malhotra, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

Mahangi Bai, one of the claimants being mother of the deceased has filed the instant appeal seeking enhancement of compensation on account of death of Rajesh in a motor vehicular accident that took place on 04.05.2011.

The Tribunal has awarded compensation of Rs.5,64,068/- (rounded of to Rs.5,64,000/-), detailed hereunder:-

1. Monthly income of the deceased	Rs.4000/-
2. Multiplier	17
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.5,44,068/- (rounded of to Rs.5,44,000)
5. Expenses on funeral and loss of estate	Rs.10,000/-
6. Loss of consortium	Rs.10,000/-

The Tribunal has assessed income of the deceased at Rs.4000/- per month. Taking a clue from notification issued by the State of Haryana fixing minimum wages at the relevant time, income of the deceased is assessed at Rs.4500/- per month. Claimants shall be entitled to benefit of future prospects @ 40%. As the deceased was 25 years old, admissible multiplier is 18. Deduction for personal expenses allowed by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs.9,07,200/- (Rs.4500 x 12 x 18) + (40% future prospects) – (1/3rd 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 to estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.9,77,200/- and the additional amount is Rs.4,13,200/- (9,77,200 – 5,64,000), payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by claimants before the Tribunal, in terms of the award.

The appeal is partly allowed in the aforesaid terms.

No order as to costs.

(REKHA MITTAL)
JUDGE

07.05.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No