IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

225 FAO-1426-2015 (O&M)

Date of decision: 22.10.2018

SANTOSH ... Appellant

Versus

MEHENDER SINGH AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Sunita Nambiar, Advocate for
Mr. Virendra Rana, Advocate for the appellant.

Mr. Sushil K. Sharma, Advocate for
Mr. Raman Chawla, Advocate for respondent No.1.

Mr. Vishal Kashyap, AAG, Haryana.

Mr. Sukhdarshan Singh, Advocate for the insurance company.

****

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Anil in a motor vehicular accident that took place on 25.07.2013.

The Tribunal has awarded compensation of Rs.6,43,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	13
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.4,68,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of love and affection for claimant and proforma respondents No.4 to 7	Rs.1,50,000/-

The plea of claimant is that the deceased was working as a driver at salary of Rs.11,000/- per month. The Tribunal, in para 20 of the award, has noticed that Om Parkash PW5 admitted in his cross examination that Anil was not working with him as driver. Taking a clue from the notification issued by the State of Haryana fixing minimum wage at the relevant time, there is no justification for increase in income of the deceased and accordingly, the same is affirmed. Claimant shall be entitle to addition in income for future prospects @ 40%. As the deceased was 20 years old, admissible multiplier would be 18 in the light of judgments of Hon'ble the Supreme Court **Sarla Verma & Ors Vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**, **Munna Lal Jain and anr. Vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315** and **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.** Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.9,07,200/- [(Rs.6000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimant shall be entitle to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium to the mother	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.3,34,200/- (9,77,200 – 6,43,000), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

22.10.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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