IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1493 of 2015 (O&M)
Date of Decision.11.01.2018

Gurcharan Singh and others ....Appellants

Vs

Akhlaq Ahmed and others ....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Tejpal Dhull, Advocate
for the appellants.

Mr. Inderjit Sharma, Advocate
for the insurance company.

-.-

AMIT RAWAL J.(ORAL)

C.M. No.4154-CII of 2015

For the reasons stated in the application, delay of 34 days in filing the appeal is condoned.

Application is allowed.

FAO No.1493 of 2015

The appeal is for enhancement of compensation for death of a homemaker namely Lakhwinder Kaur @ Lakhbir Kaur, who unfortunately died in a motor accident occurred on 15.03.2013. The claimants are husband and children. As per post mortem report, she was 50 years of age at the time of her death. She was stated to be engaged in the stitching job and earning ₹6000/- per month.

The Tribunal while assessing the compensation took the income of the deceased as ₹3000/- per month and adopted a multiplier of 13 to assess the loss of dependency as ₹4,68,000/-. It also provided ₹50,000/- for loss of love and affection and ₹25,000/- for funeral expenses, thus, in total a compensation of ₹5,43,000/- was awarded along with interest @7.5%

per annum from the date of filing of the petition till realization.

Mr. Tejpal Dhull, learned counsel appearing for the appellants submits that the income taken by the Tribunal as ₹3000/- is on lower side when there was a specific pleading that she was earning ₹6000/- per month. Even the minimum wages in the year 2013 were ₹5000/- per month. It did not provide anything towards future prospects and loss of estate, thus, there is scope for enhancement.

Mr. Sharma, learned counsel appearing on behalf of the insurance company submits that in the absence of any documentary proof qua income, the Tribunal has rightly taken the income of the deceased as ₹3000/- per month. It has taken care of all the heads of claim sufficiently. and there is no scope for enhancement, thus, urges this Court for dismissal of the appeal.

I have heard learned counsel for the parties, appraised the paper book and of the view that the Tribunal ought to have taken the income of the deceased as ₹5000/- per month as per the minimum wages prevalent at that time. Therefore, I will take the value of the services of the deceased towards the family as ₹5000/- per month and apply a multiplier of 13 to assess the loss of dependency as ₹7,80,000/-. I will further add to it ₹40,000/- towards loss of consortium and ₹15,000/- each for loss of estate and funeral expenses.

In all, the compensation payable shall be ₹8,50,000/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @6% from the date of filing of the appeal till realization. The enhanced amount shall be distributed equally between the claimants. The liability shall remain the same as has already been determined by the Tribunal.

The award passed by the Tribunal is modified to the above extent and the appeal is allowed.

(AMIT RAWAL)
JUDGE

January 11, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No