

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

FAO No.2165 of 2014(O&M)

Date of decision: 24.1.2018

Smt. Santosh

.....Appellant

VERSUS

Sahun and others

.....Respondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Sandeep Goyal, Advocate for the appellant.

Mr. Arun Sharma, Advocate for
Mr. T.K. Joshi, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Palwal (in short 'the Tribunal') in regard to death of Piare Lal in a motor vehicular accident that took place on 20.07.2011.

The Tribunal has awarded lump sum amount of Rs.1,50,000/-. Counsel for the claimant has submitted that adequate compensation may be allowed by computing loss of dependency and under conventional heads.

Counsel representing the insurance company has supported assessment made by the Tribunal.

There is no challenge to findings of the Tribunal with regard to failure of the claimants to adduce clear and cogent evidence with regard to income of the deceased. However, it is not denied that he was 70 years old. Taking a clue from minimum wage of an unskilled labour available at the relevant time coupled with age of the deceased, interest of justice

would be served if his income is assessed at Rs.4,000/- per month. After applying multiplier of 5 and deduction to the extent of 1/3rd in the light of judgment of Madhya Pradesh High Court **Anurag Jain and others Vs. Ramveer Singh and others, 2007(4) TAC 279**; of Karnataka High Court **Ningappa Ramanna Kori and another Vs. Tamil Nadu State Transport (Madurai) Ltd., 2016 AAC 1629** and judgment of this Court **Pawan Kumar and others Vs. Ramesh Kumar and others, 2016(1) Law Herald 758**, loss of dependency comes to Rs.1,60,000/- [Rs.2,40,000/- (Rs.4000 x 12 x 5) – Rs.80,000/- (1/3rd deduction towards personal expenses)].

The claimant shall be entitled to following compensation under conventional heads in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270** :-

Loss of consortium to the widow	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation comes to Rs.2,30,000/- and the additional amount is Rs.80,000/- (Rs.2,30,000/- - Rs.1,50,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

JANUARY 24, 2018

'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no