IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1447 of 2016(O&M)

Date of decision: 27.4.2018

Leela Devi …..Appellant

VERSUS

Bal Ram and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Akash Yadav, Advocate for
Mr. Vinay Pandey, Advocate for the appellant.

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REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri (in short 'the Tribunal') on account of death of Ravinder Kumar in a motor vehicular accident that took place on 02.12.2013.

Sh. R.C. Kapoor, Advocate has caused appearance on behalf of the insurance company.

The Tribunal has awarded compensation to the tune of Rs.6,51,000/- detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Deduction for personal expenses	50%
Multiplier	16
Loss of love and affection	Rs.50000/-
Funeral expenses	Rs.25,000/-

Counsel for the appellant would urge that income of the deceased assessed by the Tribunal is on lower side and needs enhancement. Claimant is entitled to benefit of increase in income for future prospects.

Counsel representing the insurance company has supported assessment made by the Tribunal on the premise that adequate compensation has been allowed.

The claimant raised an averment that Ravinder Kumar was JCB driver with Rajesh Kumar son of Sh. Amar Singh at salary of Rs.10,000/- per month. The Tribunal in para 17 has noticed that the claimant has neither produced any salary slip nor examined Rajesh Kumar son of Sh. Amar Singh to prove income of the deceased. The claimant also did not produce on record driving licence, if any, possessed by the deceased. In the given scenario, the Tribunal has assessed his income at Rs.6,000/- per month. When the income assessed by the Tribunal is analyzed in the light of 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. However, the claimant shall be entitled to benefit of future prospects at the rate of 40%. Deduction for personal expenses and multiplier adopted by the Tribunal are correct and accordingly affirmed. In this manner, loss of dependency comes to Rs.8,06,400/- [Rs.11,52,000/- (Rs.6000 x 12 x 16) + Rs. 4,60,800/- (40% future prospects) – Rs. 8,06,400/- (50% deduction towards personal expenses).

The Tribunal has awarded compensation of Rs.75,000/- under conventional heads. In the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270**, claimant shall be entitled to Rs.30,000/- under conventional heads i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss of estate.

In view of the above, total compensation comes to Rs.8,36,400/- and additional amount is Rs.1,85,400/- (Rs.8,36,400/- - Rs.6,51,000/-) , 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.

APRIL 27, 2018 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no