

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

FAO No.289 of 2015 (O&M)

Date of decision: 02.02.2018

MOTI RAM AND ANR

...Appellants

Versus

BALRAJ AND ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.

Mr. Rampal Verma, Advocate
for respondents No.1 and 2.

Mr. Arun Sharma, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.818-CII of 2015

Heard.

Allowed as prayed for. Delay of 205 days in re-filing the
appeal stands condoned.

CM No.819-CII of 2015

Heard.

Allowed as prayed for. Delay of 270 days in filing the appeal
stands condoned subject to the condition that the claimants shall forgo
interest for the period of delay in case compensation is enhanced.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Hoshiar Singh in a motor vehicular accident that took place on 30.09.2010.

The learned Tribunal has awarded compensation to the tune of Rs.7,78,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.8000/-
2. Multiplier	16
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.7,68,000/-
5. Expenses on funeral	Rs.10,000/-

The Tribunal in para 24 of the award has held that the deceased was a contractor of country made liquor vend as proved by Sh. Narender Malik, AETO, Excise PW4. The claimants did not produce any documents with regard to income of the deceased. There is nothing on record suggestive of the fact that deceased was filing Income Tax Return. Taking into consideration the minimum wage of an unskilled worker at the relevant time coupled with that the deceased was a contractor of liquor vend, interest of justice would be served if income of the deceased is assessed at Rs.10,000/- per month. The deduction for personal expenses and multiplier adopted by the Tribunal are affirmed. However, the claimants shall be entitled to increase in income for future prospects @40%. In this manner, loss of dependency comes to Rs.13,44,000/- (Rs.10,000 x 12 x 16) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, claimants shall be entitled to Rs.30,000/-, namely Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate.

The total compensation comes to Rs.13,74,000/- and the additional amount is Rs.5,96,000/- (13,74,000 – 7,78,000), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay, to father of the deceased.

The appeal is partly allowed in the aforesaid terms.

02.02.2018

ashok

(REKHA MITTAL)
JUDGE

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