

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 2895 of 2015(O&M)

Date of Decision: 20.7.2018

Kuldeep Singh and others

---Appellants

versus

Bal Kishan Kushwaha and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants

Mr. Vinod Chaudhri, Advocate,
for the insurance company

Rekha Mittal, J.

CM No. 8823-CII of 2015

Prayer in this application is for condoning delay of 34 days in filing the appeal.

In view of averments made in the application supported by affidavit of Kuldeep Singh-applicant, application is allowed and delay of 34 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No. 2895 of 2015

The claimants are in appeal seeking enhancement of compensation on account of death of Varinder Singh in a motor vehicular accident that took place on 6.4.2014.

The Motor Accidents Claims Tribunal, Karnal (in short “the Tribunal”) has awarded compensation of Rs.10,80,000/-, detailed

hereunder:-

Monthly income of the deceased	Rs. 10,000/-
Deduction for personal expenses	50%
Multiplier	16
Loss of dependency	9,60,000/-
Love and care	Rs. 1,00,000/-
Transportation and funeral expenses	Rs. 20,000/-

The plea of the claimants is that the deceased was an agriculturist by profession and running a milk dairy. There is no evidence adduced by the claimants with regard to agriculture land owned or/and possessed by the deceased.

The Tribunal has assessed income of the deceased at Rs. 10,000/- per month which is more than minimum wage available at the relevant time. As such, there is no justification for enhancement of income of the deceased. The Tribunal has rightly applied deduction for personal expenses to the extent of 50% as the deceased was unmarried son of claimants Kuldeep Singh and Paramjit Kaur. Claimants are entitled to 40% increase for future prospects as the deceased was 23 years old. Admissible multiplier in the light of judgments of Hon'ble the Supreme Court **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298, Munna Lal Jain vs. Vipin Kumar Sharma 2015 (3) RCR (Civil) 447** and **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270**, is 18. In this manner, loss of dependency is calculated at Rs. 15,12,000/- [10000 x12 x18= 21,60,000 +8,64,000(40%) = 30,24,000 – 15,12,000(50%)].

Compensation awarded by the Tribunal under conventional

heads is modified to the effect that claimants are entitled to Rs. 30,000/-,
detailed hereunder:-

Expenses on funeral **Rs. 15,000/-**

Loss of estate **Rs. 15,000/-**

Total compensation is Rs. 15,42,000/- and the additional
amount is Rs. 4,62,000/- (15,42,000-10,80,000), payable with interest @
7.5% per annum from the date of petition till realization, to mother of the
deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

20.7.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No