

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

FAO-4607-2014 (O&M)  
Date of decision: 30.01.2018

KRISHNA DEVI AND ANR

...Appellants

Versus

AHMED MOHMMAD AND ANR

## ...Respondents

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

Present : Mr. Manoj Kapriwas, Advocate  
for the appellants.

Mr. M.B. Jain, Advocate  
for the insurance company.

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**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation on account of death of Sardar Singh in a motor vehicular accident that took place on 17.11.2011.

The Tribunal has awarded compensation to the tune of Rs.1,00,000/-, detailed hereunder:-

|                                    |             |
|------------------------------------|-------------|
| 1. Annual income of the deceased   | Rs.15,000/- |
| 2. Multiplier                      | 5           |
| 3. Deduction for personal expenses | Rs.5000/-   |
| 4. Loss of dependency              | Rs.50,000/- |
| 5. Expenses on funeral             | Rs.25,000/- |
| 6. Loss of consortium              | Rs.25,000/- |

Counsel for the appellants has submitted that income of the deceased assessed by the Tribunal is on lower side and needs enhancement. Adequate compensation may be allowed under conventional heads.

Counsel for the insurance company has supported assessment made by the Tribunal with the submission that adequate compensation has been allowed.

As per postmortem report of the deceased, he was 82 years old. The Tribunal has noticed that deceased was owner of 5 kanal 7 marlas of land. Taking into consideration age of the deceased, loss of managing skills qua family affairs and social obligations, Tribunal has rightly assessed income at Rs.15,000/- per annum. As income has been assessed by taking into consideration income of a non-earning person, no deduction for personal expenses would be made. In this manner, loss of dependency comes to Rs.75,000/- (Rs.15,000 x 5).

Under conventional heads, claimants shall be entitled to Rs.70,000/-, detailed hereunder:-

|                       |             |
|-----------------------|-------------|
| 1. Loss of consortium | Rs.40,000/- |
| 2. Loss of estate     | Rs.15,000/- |
| 3. Funeral expenses   | Rs.15,000/- |

Total compensation is Rs.1,45,000/- and the additional amount is Rs.45,000/- (1,45,000 – 1,00,000), payable with interest @ 7.5% per annum from the date of petition till realization to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

All other terms and conditions of the award shall remain intact.

30.01.2018  
ashok

(REKHA MITTAL)  
JUDGE

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