In the High Court of Punjab and Haryana at Chandigarh

FAO-2120 of 2016
Date of Decision: 13.12.2018

Santosh and others

---Appellants

versus

Pawan and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ram Pal Verma, Advocate
for the appellants

Mr. Satpal Dhamija, Advocate,
for the insurance company

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Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Sharif Khan in a motor vehicular accident that took place on 23.10.2014.

The Motor Accidents Claims Tribunal, Sonipat (in short "the Tribunal") has awarded compensation of Rs.9,35,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 6000/-
Deduction for personal expenses	1/4th
Multiplier	15
Loss of dependency	Rs. 8,10,000/-
Loss of consortium	Rs. 1,00,000/-
Funeral expenses	Rs. 25,000/-

The plea of the claimants is that the deceased was mason by profession and used to earn Rs. 20,000/- per month. The Tribunal, in para 17 of the judgment, has noticed that the claimants have failed to produce any documentary evidence nor examined any person to substantiate plea of the claimants that the deceased was working as a mason. The Tribunal has assessed income of deceased at Rs. 6000/- per month by treating him as a labour. When the case is examined in the light of minimum wage available at the relevant time, there is no justification for enhancement in income of deceased. However, the claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses and multiplier adopted by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs. 11,34,000/-[6000 x 12 x 15 = 10,80,000 +4,32,000=15,12,000-3,78,000]. Compensation allowed under conventional heads is affirmed.

Total compensation is Rs. 12,59,000/- and the additional amount is Rs. 3,24,000/- (12,59,000-9,35,000), payable with interest @ 7.5% per annum from the date of petition till realization. The additional amount shall be shared by the widow and minor claimants Rahul and Naseeb in equal ratio. The amount falling to share of minors shall be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

13.12.2018
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No