IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

243 FAO No.2533 of 2016 (O&M)

Date of decision: 26.07.2018

RAJ KAUR & ORS ... Appellants

Versus

SATNAM SINGH & ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.

Mr. Sukhdarshan Singh, Advocate for the insurance company.

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REKHA MITTAL, J. (Oral)

CM-9264-CII-2016

Heard.

Allowed as prayed for. Delay of 57 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Gurmit Singh in a motor vehicular accident that took place on 01.07.2014.

The Tribunal has awarded compensation of Rs.12,05,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.8000/-
2. Multiplier	15
3. Deduction for personal expenses	1/4th
4. Loss of dependency	Rs.10,80,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-

The plea of the claimants is that the deceased was working as Granthi in the Gurudwara and doing Kirtan, Akhand Path Seva and Ardas etc. and he was earning Rs.35,000/- to Rs.40,000/- per month. They placed on record photographs Exs.P9 and P10 to prove that the deceased was performing religious rites in a marriage as a priest. They further produced certificate Ex.P1 issued by Gurudwara, Santsar Sahib Bholath on 02.08.2014 whereby it was certified that deceased was performing duties as Head Granthi of the said Gurudwara for the last five years and had been receiving offerings and donations given to him by the sangat.

The Tribunal has noticed that no resolution of the Gurudwara has been produced by which the deceased was posted as Granthi and that the deceased was not an income tax payee. Ex.P1 also does not establish if the deceased was regularly earning Rs.35,000/- to Rs.40,000/- per month. The Tribunal has assessed his income @ Rs.8000/- per month by treating him as a skilled person. I do not find any justification for increase in income of the deceased. However, claimants shall be entitled to benefit of addition in income for future prospects @ 25%. The multiplier and deduction for personal expenses allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.13,50,000/- [(Rs.8000 x 12 x 15) + (25% future prospects) – (1/4th deduction for personal expenses)].

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.14,20,000/- and the additional amount of Rs.2,15,000/- (14,20,000 – 12,05,000) shall be payable with interest @7.5% per annum from the date of petition till realization, to be shared by claimants No.1 to 4 in the ratio 25:15:15:45. The amount falling to share of minor claimants Komal Preet Kaur and Sukhwinder Singh shall be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

26.07.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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