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

217 FAO-4312-2015 (O&M)
Date of decision: 09.10.2018

MANDEEP KAUR AND ORS ... Appellants

Versus

MAKHAN SINGH @ KALA AND ORS ... Respondents

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

Present : Mr. Gaurav Sharma, Advocate for the appellants.

Mr. Harsh Goyal, Advocate for respondent No.2.

Mr. A.S. Sidhu, Advocate for respondent No.3.

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

The claimants are in appeal seeking enhancement of compensation on account of death of Manjit Singh in a motor vehicular accident that took place on 03.04.2013.

The Tribunal has awarded compensation of Rs.8,26,000/-, detailed hereunder:-

| | |
|---|---|
| 1. Monthly income of the deceased | Rs.6000/- |
| 2. Multiplier | 17 |
| 3. Deduction for personal expenses | $1/3^{rd}$ |
| 4. Loss of dependency | Rs.8,16,000/- |
| 5. Expenses on funeral | Rs.5,000/- |
| 6. Loss of consortium | Rs.5,000/- |

The Tribunal has assessed income of the deceased at Rs.6000/- per month by treating him as a labourer. Counsel for the appellants has not pointed out any materials on record to prove avocation and income of the deceased. Accordingly, income of the deceased assessed by the Tribunal is affirmed. Claimants shall be entitle to addition in income for future prospects @ 40%. The multiplier applied by the Tribunal is correct and affirmed.

The application for compensation has been filed by the widow, two minor children and mother of the deceased, therefore, admissible deduction for personal expenses would be $1/4^{th}$. In this manner, loss of dependency is calculated at Rs.12,85,200/- [(Rs.6000 x 12 x 17) + (40% future prospects) – ($1/4^{th}$ deduction for personal expenses)].

Under conventional heads, claimants No.1 to 3 shall be entitle to loss of consortium @ Rs.40,000/- each i.e. Rs.1,20,000/-, Rs.15,000/- for funeral expenses and Rs.15,000/- for loss to estate.

Total compensation is Rs.14,35,200/- and the additional amount is Rs.6,09,200/- (14,35,200 - 8,26,000), payable with interest @7.5% per annum from the date of petition till realization, to minor children of the deceased in equal ratio, to be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later. Interest accruing on FDRs shall be payable to their mother for meeting expenses of their education and living. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

**(REKHA MITTAL)**
**JUDGE**

09.10.2018
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Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No