IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215 FAO-82-2013 (O&M)

Date of decision: 02.04.2018

NATIONAL INSURANCE COMPANY LIMITED

... Appellant

Versus

CHANCHALO DEVI (DECEASED) THR HER LRS AND OTHERS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Priya Deep, Advocate for the appellant.

None for the claimants.

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REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 16.10.2012 passed by the Motor Accidents Claims Tribunal, Gurdaspur whereby compensation has been awarded on account of death of Raj Kumar in a motor vehicular accident that took place on 27.11.2011.

The sole submission made by counsel for the insurance company is that as the deceased was unmarried son of claimants Chanchalo Devi and Thuru Ram, admissible deduction for personal expenses should be 50% in place of 1/3rd, in the light of judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**.

There is no representation on behalf of the claimants, despite service.

The Tribunal has assessed income of the deceased at Rs.3000/- per month on the basis of earning of an ordinary labourer. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.4050/- per month. As the deceased was 35 years old, claimants shall be entitled to addition in income for future prospects @ 40%. Multiplier adopted by the Tribunal is affirmed. As the deceased was unmarried son of Chanchalo Devi and Thuru Ram and claimant No.3 is sibling of the deceased and is not entitled to compensation, admissible deduction for personal expenses would be 50%. In this manner, loss of dependency comes to Rs.5,44,320/- (Rs.4050 x 12 x 16) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, claimants shall be entitled to Rs.30,000/-, detailed hereunder:-

1. Loss of estate	Rs.15,000/-
2. Funeral expenses	Rs.15,000/-

Total compensation is Rs.5,74,320/- and the additional amount is Rs.1,90,320/- (5,74,320 – 3,84,000), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is disposed of in the aforesaid terms. A copy of the order be sent to the claimants for realisation of additional amount.

(REKHA MITTAL)
JUDGE

02.04.2018
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Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No