

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

Date of decision: 14.05.2018

FAO No.4449 of 2015 (O&M)

Charanjit Kaur (since deceased) thr. her LRs and another ... Appellants

Versus

Gurmail Singh and others ... Respondents

FAO No.4776 of 2015 (O&M)

Kuldeep Kaur and another ... Appellants

Versus

Gurmail Singh and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Jatinder Singla, Advocate
for the appellants.

Mr. D.K. Dogra, Advocate
for United India Insurance Co. Ltd.

Mrs. Shamsher Kaur, Advocate
for Oriental Insurance Co. Ltd.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.4449 and 4776 of 2015 as
these have emerged out of the same accident that took place on 13.03.2013.

FAO No.4449 of 2015 has been filed by claimants Charanjit
Kaur and another seeking enhancement of compensation on account of

death of Ranbir Singh whereas FAO No.4776 of 2015 has been filed by Kuldeep Kaur and another seeking enhancement of compensation on account of death of Rajbir Singh @ Laddi son of Major Singh.

FAO No.4449 of 2015

The Tribunal has awarded compensation of Rs.4,76,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	13
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.3,51,000/-
5. Expenses on funeral	Rs.25,000/-
6. Pain and agony	Rs.1,00,000/-

The Tribunal has assessed income of the deceased by treating him an unskilled labour. Taking into consideration the minimum wage fixed by the Labour Commissioner, Punjab and available at the relevant time, income of the deceased is assessed at Rs.5700/- per month. Claimants shall be entitled to benefit of future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is affirmed. However, admissible multiplier would be 18 as the deceased was 20 years old. In this context, reference can be made to judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77.** As such, loss of

dependency is computed at Rs.8,61,840/- (Rs.5700 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitled to Rs.30,000/-, i.e. Rs.15,000/- for funeral expenses and Rs.15,000/- for loss to estate.

Total compensation is Rs.8,91,840/- and the additional amount is Rs.4,15,840/- (8,91,840 – 4,76,000), payable with interest @ 7.5% per annum from the date of petition till realization, to legal heirs of mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

FAO No.4776 of 2015

With regard to death of Rajbir Singh @ Laddi, the Tribunal has awarded compensation of Rs.5,03,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	14
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.3,78,000/-
5. Expenses on funeral	Rs.25,000/-
6. Pain and agony	Rs.1,00,000/-

In view of observations made in FAO No.4449 of 2015, claimants shall be entitled to compensation of Rs.8,91,840/- and the additional amount is Rs.3,88,840/- (8,91,840 – 5,03,000), payable with interest @7.5% per annum from the date of petition till realization, to

mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

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

14.05.2018

ashok

(REKHA MITTAL)
JUDGE

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