IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211 FAO-6285-2014 (O&M)
Date of decision: 13.09.2018

SARUP SINGH & ANR ... Appellants

Versus

JAGAT SINGH & ANR ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ajay Shekhawat, Advocate for the appellants.

Mr. Rajesh Dhankar, Advocate for respondent No.1.

Mr. Punit Jain, Advocate for respondent No.2.

****

REKHA MITTAL, J. (Oral)

CM No.8207-CII of 2018

Heard.

Allowed as prayed for. Annexure A1 (colly) is taken on record, subject to just exceptions.

Disposed of accordingly.

CM No.18979-CII of 2018

Heard.

Allowed as prayed for. Originals of Annexure A2 (colly) produced before the Court for perusal and examination are seen & returned. Annexure A2 (colly) is taken on record.

Disposed of accordingly.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Sonu @ Mahesh in a motor vehicular accident that took place on 21.01.2011.

The Tribunal has awarded compensation of Rs.3,94,400/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4800/-
2. Multiplier	13
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.3,74,400/-

5. Expenses on funeral Rs.20,000/-

The Tribunal, in para 14 of the award, has noticed that Sarup Singh PW1, father of the deceased in his duly sworn affidavit Ex.PW1/A had stated that Sonu was Diploma holder from ITI and passed B.Tech in mechanical trade from BITS College of Engineering, Bhiwani and earning Rs.10,000/- per month. Further noticed that Sarup Singh stated in cross examination that he was working in some company but could not tell name of that company and monthly income of Sonu.

Perusal of the documents with regard to educational qualification of the deceased makes it evident that the deceased was Diploma holder in Mechanical Engineering from Haryana State Board of Technical Education. He passed the course in the year 2009 by obtaining first division. Taking into consideration educational qualification of the deceased coupled with the minimum wage of a skilled worker in January, 2011, income of the deceased is assessed at Rs.8000/- per month. Claimants shall be entitled to addition in income for future prospects @40%. The deceased was born on 05.06.1983, as per date of birth recorded in matriculation examination certificate Annexure A1 (colly), therefore, he was in the age bracket of 26 to 30 at the time of death. Accordingly, admissible multiplier for computing loss of dependency is 17. Deduction for personal expenses allowed by the Tribunal is affirmed. In this manner loss of dependency is calculated at Rs.11,42,400/- [(Rs.8000 x 12 x 17) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation allowed 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 of estate.

Total compensation is Rs.11,72,400/- and the additional amount is Rs.7,78,000/- (11,72,400 - 3,94,400), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 395 days in filing the appeal in terms of order dated 03.03.2017, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

13.09.2018
ashok

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