

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

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FAO No.4810 of 2015 (O&M)

Date of decision: 07.05.2018

BIMLA AND ORS

... Appellants

Versus

RAHUL & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vishal Nehra, Advocate for the appellants.

Mr. Sanjeev Kodan, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Avtar Singh in a motor vehicular accident that took place on 03.12.2013.

The Tribunal has awarded compensation of Rs.6,74,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	13
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.6,24,000/-
5. Expenses on funeral	Rs.20,000/-
6. Loss of love and affection, pain, agony and loss of consortium	Rs.30,000/-

There is no clear evidence on record with regard to income of deceased. When the case is examined in the light of notification issued by the State of Haryana fixing minimum wages and available at the relevant time, there is no justification for enhancement of income of the deceased. Claimants shall be entitled to addition in income for future prospects @25%. As the deceased was 45 years old, multiplier of 14 is to be applied. The Tribunal has allowed deduction for personal expenses to the tune of

1/3rd. The application for compensation was filed by the widow, two sons, one daughter and mother of the deceased. In the given scenario, admissible deduction would be 1/4th. In this manner, loss of dependency comes to Rs.9,45,000/- (Rs.6000 x 12 x 14) + (25% future prospects) – (1/4th deduction for personal expenses).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that the 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.10,15,000/- and the additional amount is Rs.3,41,000/- (10,15,000 – 6,74,000), payable with interest @ 7.5% per annum from the date of petition till realization to widow of the deceased, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

07.05.2018

ashok

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No