

In the High Court of Punjab and Haryana at Chandigarh

FAO- 5359 of 2015(O&M)

Date of Decision:27.11.2018

Rama Devi and another

---Appellants

vs.

Dinesh Kumar and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants

Mr. Navin Kapoor, Advocate
for respondent No. 2

Rekha Mittal, J.

Claimants are in appeal seeking enhancement of compensation on account of death of Vijay Pal in a motor vehicular accident that took place on 16.10.2013.

The Motor Accidents Claims Tribunal, Rewari (in short “the Tribunal”) has awarded compensation of Rs. 3,15,800/-, detailed hereunder:-

Monthly income of the deceased	Rs. 5200/-
Deduction for personal expenses	50%
Multiplier	9
Loss of dependency	Rs. 2,80,800/-
Loss of estate	Rs. 10,000/-
Funeral expenses	Rs. 25,000/-

The plea of the claimants is that Vijay Pal, their son, was

running dairy business and had income of Rs. 20,000/- per month. The Tribunal has noticed that there is no proof with regard to avocation and income of the deceased and on the basis of minimum wage of a labour, monthly income of the deceased has been assessed at Rs. 5200/-. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs. 5400/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. The deceased was less than 25 years of age, therefore, admissible multiplier would be 18. In this context, reference is made to judgments of Hon'ble the Supreme Court **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298, Munna Lal Jain vs. Vipin Kumar Sharma 2015(3) RCR (Civil) 447 and National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270.** In this manner, loss of dependency is calculated at Rs. 8,16,480/- $[5400 \times 12 \times 18 = 11,66,400 + 4,66,560 = 16,32,960 - 8,16,480(1/2)]$.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs. 1,10,000/-, detailed hereunder:-

Loss of consortium to the claimants	Rs. 80,000 (Rs. 40,000 each)
Loss of estate	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-

Total compensation is Rs. 9,26,480/- and the additional amount is Rs. 6,10,680/-(9,26,480-3,15,800), 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.

(**Rekha Mittal**)
Judge

27.11.2018
paramjit

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