

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

FAO 4702 of 2016
Date of decision: 05.12.2018

Sukhraj Kaur etc.*Appellants*

versus

Gurvinder Singh and others*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Pardeep Rajput, Advocate
for the appellant

Mr. R K Bashamboo, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Gurdarshan Singh in a motor vehicular accident that took place on 21.05.2015.

The Tribunal has awarded compensation of Rs.3,89,000.00, detailed hereunder:-

Monthly income of the deceased	Rs.3,000.00
Deduction for personal expenses	1/3 rd
Multiplier	11
Loss of dependency	Rs.2,64,000.00
Loss of consortium	Rs.1,00,000.00
Funeral expenses	Rs.25,000.00

Counsel for the appellants would urge that income of the deceased assessed by the Tribunal is far below the minimum wage available at the relevant time. The claimants are entitle to addition in income for future prospects at the rate of 10%. Adequate compensation

may be allowed under conventional heads.

Counsel representing the insurance company has supported assessment made by the Tribunal.

The deceased was 52 years old at the time of alleged occurrence and left behind family consisting of his widow, one daughter and mother Sawinder Kaur. The Tribunal has assessed income of deceased at Rs.3,000.00 per month by treating him an unskilled labourer. Taking a clue from notification issued by the State of Punjab, fixing minimum wage, income of the deceased is assessed at Rs.6,660.00. Claimants shall be entitle to addition in income for future prospects @ 10%. Multiplier applied by the Tribunal is correct and affirmed.

Counsel for the appellants would inform the Court that Kuldeep Kaur daughter of the deceased was unmarried at the time of occurrence. In the given circumstances, deduction for personal expenses of the deceased would be 1/4th. In this view of the matter, loss of dependency is calculated at Rs.7,25,214.00 (Rs.8,79,120.00 *i.e.* 6,660 x 12 x 11 + Rs.87,912.00 (10% addition in income) – Rs.2,41,758.00 (deduction 1/4th)).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitle to Rs.1,50,000.00, detailed hereunder:-

Loss of consortium to claimants	Rs.1,20,000.00
No.1 to 3	(Rs.40,000.00 each)
Funeral expenses	Rs.15,000.00
Loss to estate	Rs.15,000.00

Total compensation comes to Rs.8,45,214.00 and additional amount is Rs.4,56,274.00. .

The Tribunal has awarded interest at the rate of 6% per annum on compensation of Rs.3,89,0000. The claimants shall be entitle to interest at the rate of 7.5% per annum on the amount assessed by the Tribunal as well as additional compensation allowed by this Court. The additional amount shall be shared by claimants No. 1 and 3 namely Sukhraj Kaur and Ajay Pal Singh in the ratio 70:30.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

05.12.2018
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