

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

FAO-7969-2014 (O&M)
Date of decision: 26.03.2018

MAQSOODAN & ORS

... Appellants

Versus

JUBER & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sunil Dhanda, Advocate for
Mr. Rajesh Lamba, Advocate
for the appellants.

Mr. Rajneesh Malhotra, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Jalaluddin in a motor vehicular accident that took place on 05.02.2013.

The Tribunal has awarded compensation of Rs.2,70,000/-,
detailed hereunder:-

- | | |
|------------------------------------|-----------------------|
| 1. Notional income of the deceased | Rs.15,000/- per annum |
| 2. Multiplier | 18 |
| 3. Loss of dependency | Rs.2,70,000/- |

Counsel for the appellants would argue that deceased was 17 years old and working as a mechanic with M/s Subhash Mistri, Sohna. It is further argued that loss of dependency is liable to be computed by assessing

income of the deceased approximately Rs.5000/- per month. Claimants are entitled to addition in income for future prospects and adequate compensation under conventional heads.

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

Indisputably, deceased was 17 years old son of claimants Maqsoodan and Majid. The claimants failed to adduce satisfactory evidence that the deceased was working as a mechanic with M/s Subhash Mistri, Sohna stated to be proprietorship of Vijay. However, there is nothing on record suggestive of the fact that the deceased was a student or he had any disability rendering him unable to earn livelihood for his family. Taking into consideration the minimum wage available at the relevant time, income of the deceased is assessed at Rs.5000/- per month. Claimants shall be entitled to addition in income for future prospects @ 40%. As father of the deceased is alive, siblings of the deceased cannot be held dependent on his income. In the given scenario, admissible deduction for personal expenses would be 50%. In this manner, loss of dependency comes to Rs.7,56,000/- (Rs.5000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses).

Claimants shall be entitled to Rs.30,000/- under conventional heads, detailed hereunder:-

1. Loss of estate	Rs.15,000/-
2. Funeral expenses	Rs.15,000/-

Total compensation is Rs.7,86,000/- and the additional amount is Rs.5,16,000/- (7,86,000 – 2,70,000), payable with interest @ 7.5% per annum from the date of petition till realization to mother of the deceased, to be invested in a fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

26.03.2018
ashok

(REKHA MITTAL)
JUDGE

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