

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

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FAO No.6375 of 2015 (O&M)
Date of decision: 27.07.2018

MUNI DEVI AND ANR

... Appellants

Versus

SHIRAJ AHMED AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Monika Singh, Advocate for
Mr. Anil K. Gahlawat, Advocate for the appellants.

Ms. Vandana Malhotra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-20052-CII-2015

Heard.

Allowed as prayed for. Delay of 26 days in filing the appeal
stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Amarjit Ram in a motor vehicular accident that took place on 21.09.2013.

The Tribunal has awarded compensation of Rs.5,23,000/-,
detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Addition in income for future prospects	50%
3. Multiplier	11
4. Deduction for personal expenses	50%
5. Loss of dependency	Rs.4,95,000/-
6. Expenses on funeral	Rs.25,000/-
7. Transportation expenses	Rs.3000/-

The application for compensation was filed by parents of

deceased Amarjit Ram. The plea of the claimants is that the deceased was a skilled labour earning Rs.20,000/- per month. To substantiate their plea in this regard Muni Devi, mother of the deceased appeared in the witness box. Her testimony does not find corroboration from independent evidence much less documentary. Taking into consideration notification issued by the State of Haryana with regard to minimum wage available at the relevant time, income of the deceased is assessed at Rs.5400/- per month. Claimants shall be entitled to addition in income for future prospects @40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. However, as the deceased was 20 years old, admissible multiplier for computing loss of dependency would be 18. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315**, **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77** and **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. In view of the above, loss of dependency is calculated at Rs.8,16,480/- [(Rs.5400 x 12 x 18) + (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.8,46,480/- and the additional amount is Rs.3,23,480/- (8,46,480 - 5,23,000), 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

27.07.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No