

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

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FAO No.6598 of 2015 (O&M)

Date of decision: 23.10.2018

KAMLA DEVI AND ANR

... Appellants

Versus

SATISH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. K.L. Saini, Advocate for
Mr. Anshuman Dalal, Advocate for the appellants.

Mr. Eklavya Kumar, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-20572-CII-2015

Heard.

Allowed as prayed for. Delay of 22 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Harinder Singh in a motor vehicular accident that took place on 14.10.2014.

The Tribunal has awarded compensation of Rs.3,77,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	7
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.2,52,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of love and affection	Rs.1,00,000/-

The plea of claimants is that the deceased was earning Rs.12,000/- per month from agriculture and dairy farming. However, they have failed to adduce any tangible evidence to substantiate their plea in this regard. The Tribunal has assessed his income at Rs.6000/- per month by treating him as an unskilled worker. Taking a clue from the notification

issued by the State of Haryana fixing minimum wage at the relevant time, there is no justification for enhancement of income of the deceased. However, claimants shall be entitle to addition in income for future prospects @ 40%. As the deceased was in the age bracket of 26 to 30 years, admissible multiplier would be 17. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.8,56,800/- [(Rs.6000 x 12 x 17) + (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 entitle to Rs.1,10,000/-, detailed hereunder:-

1. Loss of consortium to the parents	Rs.80,000/- (Rs.40,000/- each)
2. Loss to estate	Rs.15,000/-
3. Expenses on last rites	Rs.15,000/-

Total compensation is Rs.9,66,800/- and the additional amount is Rs.5,89,800/- (9,66,800 - 3,77,000), 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.

23.10.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No