IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

235 FAO No.5606 of 2016 (O&M)

Date of decision: 27.07.2018

MEENA SHARMA & ORS ... Appellants

Versus

SATNAM SINGH & ANR ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Naveen Sharma, Advocate for the appellants.

Mr. Pardhuman Yadav, Advocate for respondent No.1.

None for respondent No.2.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Tilak Raj in a motor vehicular accident that took place on 22.10.2013.

The Tribunal has awarded compensation of Rs.8,56,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	14
3. Deduction for personal expenses	1/4th
4. Loss of dependency	Rs.7,56,000/-
5. Funeral and last rites expenses	Rs.25,000/-
6. Loss of love and affection	Rs.25,000/-
7. Transportation expenses	Rs.25,000/-
8. Loss of consortium	Rs.25,000/-

The Tribunal has assessed income of the deceased by treating him as an unskilled labour. Taking into consideration notification issued by the State of Punjab fixing minimum wage of an unskilled worker, income of the deceased is assessed at Rs.6250/- per month. Claimants are entitled to addition in income for future prospects @ 25%. Deduction for personal expenses and multiplier adopted by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.9,84,375/- [(Rs.6250 x 12 x 14) + (25% future prospects) – (1/4th deduction for personal expenses)]

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitled to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.10,54,375/- and the additional amount is Rs.1,98,375/- (10,54,375 - 8,56,000), payable with interest @ 7.5% per annum from the date of petition till realization to widow and minor children of the deceased in the ratio 30:30:40. The amount falling to share of minors shall be invested in fixed deposit payable on their attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

27.07.2018
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Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No