

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

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FAO No.5607 of 2016 (O&M)

Date of decision: 06.12.2018

SUKHWINDER KAUR & ORS

... Appellants

Versus

ROOP SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Dheeraj Mahajan, Advocate for the appellants.
Mrs. Shamsher Kaur, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Gurnam Singh in a motor vehicular accident that took place on 05.10.2014.

The Tribunal has awarded compensation of Rs.6,77,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	14
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.5,67,000/-
5. Expenses on funeral and transportation	Rs.10,000/-
6. Loss of consortium	Rs.1,00,000/-

The Tribunal has assessed income of the deceased by treating him as a labour @ Rs.150/- per day. Taking a clue from the notification issued by State of Punjab fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.6700/- per month. Claimants shall be entitle to addition in income for future prospects @25%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.10,55,250/- [(6700 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 entitle to Rs.1,90,000/-, detailed hereunder:-

- | | |
|--|--------------------------------------|
| 1. Loss of consortium to claimants No.1 to 4 | Rs.1,60,000/-
(Rs.40,000/- each) |
| 2. Expenses on last rites | Rs.15,000/- |
| 3. Loss to estate | Rs.15,000/- |

Total compensation is Rs.12,45,250/- and the additional amount is Rs.5,68,250/- (12,45,250 - 6,77,000), payable with interest @7.5% per annum from the date of petition till realization, to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

06.12.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No