

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

220

FAO No.6786 of 2015 (O&M)

Date of decision: 13.09.2018

SOM DUTT & ANR

.. Appellants

Versus

BALJEET & ORS

.. Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sanjeev Patiyal, Advocate for the appellants.

Mr. Pulkit, Advocate for
Mr. Raman Dhanda, Advocate for respondent No.2.

Mr. Chanandeep Singh, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

CM No.21208-CII of 2015

Heard.

Allowed as prayed for. Delay of 92 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Anil Kumar in a motor vehicular accident that took place on 26.10.2011.

The Tribunal has awarded compensation of Rs.2,65,000/- i.e. lumpsum amount of Rs.2,40,000/- for loss of dependency and Rs.25,000/- for funeral expenses.

The plea of the claimants is that the deceased was running a tea stall in the village and earning Rs.15,000/- per month. They examined Sukhbir Singh PW3 and Manjit Kaur PW4 to prove that the deceased had hired a shop for running tea stall. Admittedly, the deceased was 17 years old at the time of occurrence. The claimants are not expected to produce evidence with regard to income of the deceased from a tea stall. However,

taking into consideration that the deceased was only 17 years old and stated to be running a tea stall in the village, it is difficult to accept that his income was Rs.15,000/- per month. Taking a clue from minimum wage available at the relevant time coupled with evidence on record, it would be in the fitness of things, if income of the deceased is assessed at Rs.4800/- per month. Claimants shall be entitled to addition in income for future prospects @40%. Deduction for personal expenses would be 50% whereas the multiplier is 18. In this manner, loss of dependency is calculated at Rs.7,25,760/- [(Rs.4800 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.7,55,760/- and the additional amount is Rs.4,90,760/- (7,55,760 - 2,65,000), 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.

13.09.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No