

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

228

FAO-6867-2015 (O&M)

Date of decision: 06.12.2018

NIRMAL KAUR AND ANR

... Appellants

Versus

BALJIT SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Samrit Gill, Advocate for
Mr. Deepak Arora, Advocate for the appellants.

Mr. R.C. Gupta, Advocate for respondent No.6.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Harjinder Singh in a motor vehicular accident that took place on 27.08.2014.

The Tribunal has awarded compensation of Rs.11,02,500/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Addition in income for future prospects	30%
3. Multiplier	15
4. Deduction for personal expenses	1/4 th
5. Loss of dependency	Rs.8,77,500/-
6. Expenses on funeral	Rs.25,000/-
7. Loss of love and affection to minors	Rs.1,00,000/-
8. Loss of consortium	Rs.1,00,000/-

The plea of claimants is that deceased was a Mason and engaged in construction of building, thus, earning Rs.13,500/- from the said work in addition to his income from dairy farming. The Tribunal has noticed that there is no record regarding the deceased carrying business of dairy farming and his income has been assessed at Rs.5000/- per month. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.7000/- per month. As the deceased was 40 years old at the time of

occurrence, addition in income for future prospects would be 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.11,81,250/- [(7000 x 12 x 15) + (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.1,50,000/-, detailed hereunder:-

1. Loss of consortium to claimants No.1 to 3	Rs.1,20,000/- (Rs.40,000/- each)
2. Expenses on last rites	Rs.15,000/-
3. Loss to estate	Rs.15,000/-

Total compensation is Rs.13,31,250/- and the additional amount is Rs.2,28,750/- (13,31,250 - 11,02,500), payable with interest @7.5% per annum from the date of petition till realization, to children of deceased in the ratio 30:70, to be invested in fixed deposits 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

06.12.2018
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Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No