

DIWAKER GULATI
2018.10.12 09:10**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****FAO No. 5889 of 2016(O&M)****Date of decision: 5.10.2018**

Suresh Singh and others

.....Appellants

VERSUS

Sanjay and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTALPresent: Ms. Swati, Advocate for
Mr. J.S. Saneta, Advocate for the appellants.

Mr. D.K. Tuteja, Advocate for respondent No.1.

Dr. Deepak Jindal, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Panipat (in short 'the Tribunal') on account of death of Angat Ram @ Angad in a motor vehicular accident that took place on 01.05.2015.

The Tribunal has awarded compensation of Rs.5,79,250/- detailed hereunder:-

Monthly income of the deceased	Rs.5000/-
Addition in income for future prospects	15%
Deduction for personal expenses	1/4 th
Multiplier	11
Loss of dependency	Rs.5,69,250/-
Transportation and last rights expenses	Rs.10000/-

There is no clear evidence available on record with regard to income of the deceased. Taking a clue from the notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.5800/- per month. Addition in income for future prospects would be 10%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.6,31,620/-[Rs.7,65,600/- (Rs.5800/- x 12 x 11) + Rs.76,560/- (10% towards future prospects) – Rs.2,10,540/- (1/4th deduction towards personal expenses)]

Under conventional heads, the claimants No.2 to 4 shall be entitled to loss of consortium at the rate of Rs.40000/- each in the light of latest judgment of Hon'ble the Supreme Court **Magma General Insurance Co. Ltd. Vs. Nathu Ram @ Churu Ram and others, Civil Appeal No.9581 of 2018 arising out of SLP (Civil) 3192 of 2018**, They shall further be entitle to a sum of Rs.30,000/- i.e. Rs.15,000/- for funeral expenses and Rs.15,000/- for loss to estate. In this manner, claimants shall be entitled to Rs.1,50,000/-

In view of the above, total compensation comes to Rs.7,81,620/- and additional amount is Rs.2,02,370 /- (Rs.7,81,620/- - Rs.5,79,250/-), payable with interest at the rate of 7.5% per annum from the date of petition till realisation.

The appeal is partly allowed in the aforesaid terms.

OCTOBER 5, 2018

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no