

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

242

FAO-6112-2016 (O&M)
Date of decision: 05.04.2018

KANTA DEVI

... Appellant

Versus

JAGTAR SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellant.

Mrs. Shamsheer Kaur, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Joginder Pal in a motor vehicular accident that took place on 23.08.2013.

The Tribunal has awarded compensation of Rs.5,06,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	11
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.3,96,000/-
5. Expenses on funeral and last rites	Rs.10,000/-
6. Loss of consortium	Rs.1,00,000/-

Counsel for the insurance company would argue that the claimant may be allowed benefit of future prospects @ 10% but deduction for personal expenses should be 50% as widow of the deceased is the only claimant in the case.

The Tribunal has assessed income of the deceased at Rs.4500/- per month by treating him as a casual labourer. Taking a clue from the notification issued by the Labour Department, Punjab fixing minimum wage

at the relevant time, income of the deceased is assessed at Rs.5600/- per month. Multiplier adopted by the Tribunal is affirmed. Claimant shall be entitled to benefit of future prospects @ 10%.

Contention raised by counsel for the insurance company that deduction for personal expenses should be 50% as widow is the only claimant is not meritorious and ordered to be rejected. In this context, reference can be made to Division Bench judgment of Madhya Pradesh High Court **Anurag Jain and others Vs. Ramveer Singh and others, 2007(4) TAC 279** and judgment of Karnataka High Court **Ningappa Ramanna Kori and another Vs. Tamil Nadu State Transport (Madurai) Ltd., 2016 AAC 1629**. Further reference is made to judgment of this Court **Pawan Kumar and others Vs. Ramesh Kumar and others, 2016(1) Law Herald 758**. In this manner, loss of dependency comes to Rs.5,42,080/- (Rs.5600 x 12 x 11) + (10% future prospects) – (1/3rd deduction for personal expenses).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimant 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.6,12,080/- and the additional amount is Rs.1,06,080/- (6,12,080 – 5,06,000), payable with interest @ 7.5% per annum from the date of petition till realization to the widow.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

05.04.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No