IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

223 FAO-7314-2015 (O&M)

Date of decision: 20.08.2018

GABBAR SINGH AND ANR ... Appellants

Versus

MAHESH AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. B.S. Tewatia, Advocate for the appellants.

Mr. Punit Jain, Advocate for the insurance company.

****

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ashish in a motor vehicular accident that took place on 19.04.2013.

The Tribunal has awarded compensation of Rs.4,93,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	13
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.4,68,000/-
5. Expenses on funeral	Rs.25,000/-

The plea of the claimants is that the deceased was working as milk vendor and earning Rs.8000/- per month. They examined Bhim Nagar PW2 to corroborate their plea in this regard. However, Bhim Nagar has neither produced any document with regard to his running the business of milk supplies nor in regard to his financial status. This Court is not oblivious of the fact that in claim applications, claimants generally have the tendency to increase figures of income to get higher compensation. At the same time, no amount of money can be a substitute for beautiful human life particularly in the circumstances that claimants lost their son aged 20 years. Taking a clue from the minimum wage available at the relevant time, income of the deceased is assessed at Rs.5300/- per month. Claimants shall be entitled to addition in income for future prospects @ 40%. The admissible multiplier is 18, in view of age of the deceased. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.8,01,360/- [(Rs.5300 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.8,31,360/- and the additional amount is Rs.3,38,360/- (8,31,360 - 4,93,000), 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.

20.08.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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