

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

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FAO-9497-2014 (O&M)
Date of decision: 28.08.2018

SUNITA RANI & ORS

... Appellants

Versus

ANGREJ SINGH & ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Viney Saini, Advocate for
Mr. G.S. Nagra, Advocate for the appellants.

Mr. Ashok K. Singla, Sr. DAG, Punjab
for respondent No.2.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Deepak Kumar in a motor vehicular accident that took place on 22.03.2014.

The Tribunal has awarded compensation of Rs.13,13,600/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Addition in income for future prospects	30%
3. Multiplier	18
4. Deduction for personal expenses	1/4 th
5. Loss of dependency	Rs.12,63,600/-
6. Expenses on funeral	Rs.10,000/-
7. Loss of estate	Rs.5000/-
8. Loss of consortium	Rs.5000/-
9. Loss of care and guidance	Rs.30,000/-

The plea of the claimants is that the deceased was running dhaba under the name and style of Best Vaishno Dhaba and earning Rs.50,000/- per month. They failed to lead satisfactory much less cogent evidence to establish their plea in this regard. The deceased was 25 years old and left behind family consisting of his widow, minor daughter and parents. Taking a clue from the minimum wage available at the relevant

time, income of the deceased is assessed at Rs.6500/- per month. Claimants shall be entitled to addition in income for future prospects @ 40%. Multiplier adopted by the Tribunal is correct and affirmed.

The Tribunal has allowed deduction for personal expenses to the extent of 1/4th. The application for compensation has been filed by the widow, minor daughter and parents of the deceased. Counsel for the appellants has failed to point out any materials on record that father of the deceased is suffering from any disability to impair his capacity to work and earn livelihood for himself and his family. In the given scenario, father is not entitled to loss of dependency. Accordingly, deduction for personal expenses would be 1/3rd. In this manner, loss of dependency is calculated at Rs.13,10,400/- [(Rs.6500 x 12 x 18) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants 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.13,80,400/- and the additional amount is Rs.66,800/- (13,80,400 – 13,13,600), payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by the widow, minor child and mother of the deceased in the ratio 20:70:10. The amount falling to share of minor shall be invested in fixed deposit till she attains the 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

28.08.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No