

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

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FAO No.7666 of 2016 (O&M)

Date of decision: 28.11.2018

Baljinder Kaur and others

... Appellants

Versus

Surjit Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sanjeev Goyal, Advocate for the claimants.

Mr. Gopal Mittal, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Gurmel Singh in a motor vehicular accident that took place on 23.07.2015.

The Tribunal has awarded compensation of Rs.7,25,000/-, detailed hereunder:-

1. Annual income of the deceased	Rs.60,000/-
2. Multiplier	13
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.5,85,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of estate	Rs.5000/-
7. Loss of consortium	Rs.1,00,000/-
8. Loss of love and affection	Rs.10,000/-

The plea of claimants is that deceased had 10 acres of land and was earning Rs.10 lacs per annum. Perusal of jamabandi for the year 2008-09 Ex.C39 reveals that the deceased was co-sharer to the extent of 16/649th share out of land approximately 100 kanal. The land left behind by the deceased would be available to his family. Taking into consideration the minimum wage coupled with land holding of the deceased and the claimants being entitle to loss of his managing capacity, income of the deceased is assessed at Rs.8000/-. Claimants shall be entitle to addition in income for future prospects @ 25%.

The application for compensation has been filed by widow, three children and parents of the deceased. The Tribunal has rightly applied deduction of 1/4th and multiplier of 13 and the same are affirmed. In this manner, loss of dependency is calculated at Rs.11,70,000/- [(8000 x 12 x 13) + (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.1,90,000/-, detailed hereunder:-

- | | |
|--|--------------------------------------|
| 1. Loss of consortium to claimants No.1 to 4 | Rs.1,60,000/-
(Rs.40,000/- each) |
| 2. Expenses on last rites | Rs.15,000/- |
| 3. Loss to estate | Rs.15,000/- |

Total compensation is Rs.13,60,000/- and the additional amount is Rs.6,35,000/- (13,60,000 – 7,25,000), payable with interest @7.5% per annum from the date of petition till realization, to widow of the deceased, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

28.11.2018

ashok

(REKHA MITTAL)
JUDGE

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