

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

258-2

FAO No.7668 of 2016 (O&M)

Date of decision: 28.11.2018

Malkit 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 Sher Singh in a motor vehicular accident that took place on 23.07.2015.

The Tribunal has awarded compensation of Rs.4,55,000/-, detailed hereunder:-

1. Annual income of the deceased	Rs.60,000/-
2. Multiplier	7
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.3,15,000/-
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/-

Counsel for the appellants would urge that the deceased was owning land as per jamabandi for the year 2013-14 Ex.C43 and he was also cultivating land of Rupinder Singh and Jaswant Singh whose affidavits are on record. Jamabandi Ex.C43 reveals that the deceased was co-owner of land more than one acre. His age was 65 years at the time of occurrence. The claimants did not examine persons whose affidavits were brought on record nor the revenue record in respect of their land recording possession of Sher Singh. In view of the above, income of the deceased is assessed at Rs.6000/- per month. The application for compensation has been filed by

the widow, two adult sons and old aged mother namely Mukhtiar Kaur. The multiplier and deduction for personal expenses allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.3,78,000/- $[(6000 \times 12 \times 7) - (1/4^{\text{th}}$ deduction for personal expenses)].

The Tribunal has awarded a sum of Rs.1,40,000/- under conventional heads and the same is affirmed.

Total compensation is Rs.5,18,000/- and the additional amount is Rs.63,000/- $(5,18,000 - 4,55,000)$, payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

28.11.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No