

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

258-5

FAO No.7701 of 2016 (O&M)

Date of decision: 28.11.2018

Nasib 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 Sardara Singh in a motor vehicular accident that took place on 23.07.2015.

The Tribunal has awarded compensation of Rs.6,35,000/-, detailed hereunder:-

1. Annual income of the deceased	Rs.60,000/-
2. Multiplier	11
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.4,95,000/-
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/-

As per documentary evidence, the deceased was co-owner of land and his share is approximately 4 acres. Taking into consideration the minimum wage coupled with value of services of the deceased as an agriculturalist, income of the deceased is assessed at Rs.10,000/- per month. Claimants shall be entitle to addition in income for future prospects @ 10%. Multiplier and deduction for personal expenses allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.10,89,000/- [(10,000 x 12 x 11) + (10% future prospects) – (1/4th 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.12,29,000/- and the additional amount is Rs.5,94,000/- (12,29,000 - 6,35,000), 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