IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.7703 of 2016 (O&M)
Date of decision: 08.08.2018

Gurdial Kaur and others ... Appellants

Versus

Surjit Singh and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sanjeev Goyal, Advocate and
Mr. Rajbir Singh, Advocate for the appellants.

Mr. Gopal Mittal, Advocate for the insurance company.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Durga Singh in a motor vehicular accident that took place on 22.07.2015.

The Tribunal has awarded compensation of Rs.3,20,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	5
3. Deduction for personal expenses	1/3rd
4. Loss of dependency	Rs.1,80,000/-
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 claimants would urge that income of the deceased assessed by the Tribunal is on lower side.

Counsel representing the insurance company has supported assessment made by the Tribunal.

The Tribunal has assessed income of the deceased at Rs.4500/- per month. Taking a clue from minimum wage available at the relevant time, income of the deceased is assessed at Rs.7000/- per month. Deduction for personal expenses and multiplier allowed by the Tribunal are affirmed. In this manner, loss of dependency is calculated at Rs.2,80,000/- [(Rs.7000 x 12 x 5) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed 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.3,50,000/- and the additional amount is Rs.30,000/- (3,50,000 – 3,20,000), payable with interest @7.5% per annum from the date of petition till realization, in terms of award passed by the Tribunal.

Disposed of, accordingly.

08.08.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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