

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

258-7

FAO No.7707 of 2016 (O&M)

Date of decision: 28.11.2018

Shinder 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 Baljit Singh in a motor vehicular accident that took place on 23.07.2015.

The Tribunal has awarded compensation of Rs.5,80,000/-, detailed hereunder:-

1. Annual income of the deceased	Rs.60,000/-
2. Multiplier	18
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.5,40,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of estate	Rs.5000/-
7. Loss of love and affection	Rs.10,000/-

The Tribunal has assessed income of the deceased at Rs.5000/- per month. The claimants have produced on record copies of milk supplier's book of Nestle Company Exs.C35 and C36 and average annual sale of milk for the year 2015 was of Rs.1,50,000/-, sufficient to establish that deceased was in the business of dairy farming. They have also produced Form J Exs.C38 to C40 with regard to sale of crops worth rupees approximately Rs.4 lakh. Perusal of the jamabandi(s) would reveal that the deceased was owner/cultivator of land measuring approximately 4 acres. He was 23 years old. Taking into consideration avocation of the deceased when examined in

the light of minimum wage available at the relevant time, interest of justice would be served if income of the deceased is assessed at Rs.12,000/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier and deduction for personal expenses allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.18,14,400/- $[(12,000 \times 12 \times 18) + (40\% \text{ future prospects}) - (50\% \text{ deduction for personal expenses})]$.

Under conventional heads, claimants shall be entitle to Rs.1,10,000/-, detailed hereunder:-

1. Loss of consortium to parents	Rs.80,000/- (Rs.40,000/- each)
2. Expenses on funeral	Rs.15,000/-
3. Loss to estate	Rs.15,000/-

Total compensation is Rs.19,24,400/- and the additional amount is Rs.13,44,400/- $(19,24,400 - 5,80,000)$, payable with interest @7.5% per annum from the date of petition till realization, to mother of the deceased, to be invested in fixed deposit for a period of two 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