IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

258-8

FAO No.7744 of 2016 (O&M)
Date of decision: 28.11.2018

Manjit 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.

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REKHA MITTAL, J. (Oral)

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

The Tribunal has awarded compensation of Rs.5,36,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	11
3. Deduction for personal expenses	1/3rd
4. Loss of dependency	Rs.3,96,000/-
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 Tribunal has assessed income of the deceased at Rs.4500/- per month. The plea of claimants is that deceased was running the business in the name and style of Dashmesh Machinery Store and Guru Nanak Furniture House. To substantiate their plea in this regard, they have placed on record the electricity bills showing consumption charges of Rs.6000/- or more in respect of industrial connection in the name of deceased. The Tribunal has not taken into consideration bills with regard to electric consumption produced on record. Taking a clue from minimum wage available at the relevant time coupled with that deceased had been consuming energy valuing Rs.6000/- and more, income of the deceased is assessed at Rs.12,000/- 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.11,61,600/- [(12,000 x 12 x 11) + (10% future prospects) – (1/3rd deduction for personal expenses)].

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

Total compensation is Rs.13,01,600/- and the additional amount is Rs.7,65,600/- (13,01,600 - 5,36,000), 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 **(REKHA MITTAL)**
ashok **JUDGE**

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