

In the High Court of Punjab and Haryana at Chandigarh

FAO-841 of 2016(O&M)
Date of Decision:28.9.2018

Shanti Kaur and another

---Appellants

vs.

Sukhwinder and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Harmandeep Kaur, Advocate
for Mr. P.K.Ganga, Advocate
for the appellants

Rekha Mittal, J.

CM No. 2374-CII of 2016

Prayer in this application is for condonation of delay of 29 days in filing the appeal.

Heard.

Allowed as prayed for. Delay of 29 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No. 841 of 2016

The claimants are in appeal seeking enhancement of compensation on account of death of Boota Singh in a motor vehicular accident that took place on 25.8.2014.

The Motor Accidents Claims Tribunal, Sirsa (in short “the

Tribunal”) has assessed compensation of Rs. 5,07,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 4000/-
Deduction for personal expenses	50%
Multiplier	18
Loss of dependency	Rs. 4,32,000/-
Funeral expenses	Rs. 25,000/-
Loss of love and affection	Rs. 50,000/-

The plea of the claimants is that Boota Singh was the only son of his parents and would have started a mechanic shop to contribute financially to his family. The Tribunal has noticed that the deceased was a student of 10+2 but there is no documentary evidence with regard to his income. Taking clue from notification issued by the State of Haryana fixing minimum wage at the relevant time coupled with that the deceased was a student of 10+2, interest of justice would be served if income of the deceased is assessed at Rs. 6000/- per month. The claimants shall be entitle to increase in income for future prospects @ 40%. Deduction for personal expenses and multiplier applied are correct and affirmed. In this manner, loss of dependency is calculated at Rs. 9,07,200/- [6000 x12 x18= 12,96,000 + 5,18,400 (40%)= 18,14,400 – 9,07,200(1/2)]. Under conventional heads, compensation allowed by the Tribunal is affirmed.

Total compensation is Rs. 9,82,200/- (9,07,200 + 75,000)and the additional amount is Rs. 4,75,200/-(9,82,200 – 5,07,000), payable with interest @ 7.5% per annum from the date of petition till realization, to

mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

28.9.2018
paramjit

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