IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.258 of 2017 (O&M)
Date of decision: 22.10.2018

Bhuri Kaur and others ... Appellants

Versus

Surjit Singh and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None 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 Gurmeet Singh in a motor vehicular accident that took place on 22.07.2015.

The Tribunal has awarded compensation of Rs.9,65,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.7000/-
2. Multiplier	15
3. Deduction for personal expenses	1/3rd
4. Loss of dependency	Rs.8,40,000/-
5. Loss of consortium to widow	Rs.1,00,000/-
6. Funeral expenses	Rs.25,000/-

The plea of claimants is that the deceased was working as mason and earning Rs.20,000/- per month. The Tribunal has noticed that claimants have failed to adduce sufficient much less cogent evidence with regard to avocation and income of the deceased. Taking a clue from the notification issued by the State of Punjab fixing minimum wage, income of the deceased assessed by the Tribunal is affirmed. However, claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier applied by the Tribunal is correct and affirmed.

As the application for compensation has been filed by the widow, two minor children and parents of deceased, deduction for personal expenses would be 1/4th. In this manner, loss of dependency is calculated at Rs.13,23,000/- [(Rs.7000 x 12 x 15) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.1,50,000/-, detailed hereunder:-

1. Loss of consortium to widow and minor children of the deceased	Rs.1,20,000/- (Rs.40,000/- each)
2. Loss to estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.14,73,000/- and the additional amount is Rs.5,08,000/- (14,73,000 - 9,65,000), payable with interest @7.5% per annum from the date of petition till realization, to be shared by the widow and minor children of deceased in the ratio 30:35:35. The amount falling to share of minors shall be invested in fixed deposit payable on their attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

22.10.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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

Ashok Kumar
2018.10.30 16:22
I attest to the authenticity and accuracy of this document