IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4349 of 2017(O&M)

Date of decision: 20.3.2018

Balwinder Kaur …..Appellant

VERSUS

Ravinder Jit Singh and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ruhani Chadha, Advocate for the appellant.

Mr. Amit Jaiswal, Advocate for respondent No.5.

*****

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, S.B.S. Nagar (in short 'the Tribunal') on account of death of Gurpreet Singh, aged 19 years, in a motor vehicular accident that took place on 17.10.2016.

The Tribunal has awarded compensation to the tune of Rs.5,29,000/- (rounded off to Rs.5,30,000/-) detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Monthly loss of dependency	Rs.2000/-
Multiplier	18
Loss of dependency	Rs.5,04,000/-
Funeral expenses etc.	Rs.25000/-

Counsel for the claimant would argue that income of the deceased assessed by the Tribunal is on lower side and needs enhancement.

It is further argued that deduction for personal expenses is liable to be restricted to 50% as claimant is mother of the deceased. Claimant is entitled to increase in income for future prospects at the rate of 40%. Adequate compensation may be allowed under conventional heads.

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

As per plea of the claimant, Gurpreet Singh was working as a Clerk with Sh. M.P. Nayyar, Advocate who was paying him Rs.8,000/- per month. However, the Tribunal has assessed his income at Rs.6,000/- per month even without examining the minimum wage available to an unskilled person at the relevant time. Taking into consideration the minimum wage available at the relevant time, income of the deceased is assessed at Rs.7,500/- per month. Claimant shall be entitled to increase in income for future prospects at the rate of 40%. Deduction for personal expenses would be 50% as the claimant is mother of the deceased. Multiplier adopted by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs.11,34,000/- [Rs.16,20,000/- (Rs.7500/- x 12 x 18) + Rs.6,48,000/- (40% towards future prospects) – Rs.11,34,000/- (50% deduction towards personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimant shall be entitled to an amount of Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss of estate.

In view of the above, total compensation comes to Rs.11,64,000/- and additional amount is Rs.6,34,000/- (Rs.11,64,000/- -

Rs.5,30,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

MARCH 20, 2018 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no