

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

256

FAO No.621 of 2017 (O&M)
Date of decision: 26.07.2018

KULWINDER KAUR AND ORS

... Appellants

Versus

GURDEV SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Parveen K. Kataria, Advocate for the appellants.

Mr. V.K. Kaushal, Advocate for respondents No.1 and 2.

Mr. Varun Sharma, Advocate for
Mr. B.R. Madaan, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Pal Kaur @ Jaspal Kaur in a motor vehicular accident that took place on 06.10.2015.

The Tribunal has awarded compensation of Rs.3,97,600/-, detailed hereunder:-

1. Monthly value of service of the deceased	Rs.3000/-
2. Addition in income for future prospects	11.5%
3. Multiplier	9
4. Loss of dependency	Rs.3,72,600/-
5. Funeral expenses	Rs.25,000/-

The sole submission made by counsel for the appellants is that value of services of the deceased assessed by the Tribunal is on lower side and needs enhancement.

Counsel representing the insurance company has supported assessment made by the Tribunal on the premise that deceased was 60 years old and the claimants are married daughter, widowed daughter-in-law and grand children of the deceased.

The deceased was 60 years of age at the time of occurrence. The Tribunal has assessed monthly loss of dependency at Rs.3450/-. Taking a clue from minimum wage available at the relevant time coupled with age of the deceased along with the fact that claimants are the married daughter, widowed daughter-in-law and children of pre-deceased son of Pal Kaur, interest of justice would be served, if value of services of the deceased is assessed at Rs.4000/- per month including benefit of future prospects allowed by the Tribunal. Multiplier adopted by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.4,32,000/- (Rs.4000 x 12 x 9).

Under conventional heads, claimants shall be entitled to Rs.15,000/- for funeral expenses.

Total compensation is Rs.4,47,000/- and the additional amount of Rs.49,400/- (4,47,000 – 3,97,600) shall be payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 158 days, to be shared by claimants No.1 and 2 in equal ratio.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

26.07.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No