IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 3517 of 2002(O&M)

Date of decision: 11.2.2019

Inderjit Kaur and others …..Appellants

VERSUS

Parshotam Lal and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.K. Chahal, Advocate for
Mr. R.P. Dhir, Advocate for the appellants.

Mr. Man Mohan Singh, Advocate for respondent No.2.

Mr. Sandeep Suri, Advocate for respondent No.3.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Hoshiarpur (in short 'the Tribunal') on account of death of Malkiat Singh in a motor vehicular accident that took place on 25.09.2000.

The Tribunal has awarded compensation of Rs.2,60,000/- detailed hereunder:-

Monthly income of the deceased	Rs.2150/-
Deduction for personal expenses	1/4th
Multiplier	15
Loss of dependency	Rs.2,58,000/-
Expenses on funeral	Rs.2.000/-

The plea of the claimants is that Malkiat Singh aged about 40 years was a milk vendor and he used to collect milk from villagers and supply milk to customers at Hoshiarpur thereby earning Rs.6000/- per month and contributing Rs.5000/- per month towards household expenses. The claimants examined Karnail Singh AW-5 and Sadhu Singh AW-6 to support their contention that Malkiat Singh used to supply milk to various customers. However, the Tribunal has noticed that there is no cogent and convincing evidence with regard to income of the deceased. However, the Tribunal has not rejected plea of the claimants that the deceased was a milk vendor. Taking a clue from the notification issued by the State of Punjab coupled with profession of the deceased as a milk vendor and in absence of clear evidence with regard to his income, there is no scope for enhancement of income of deceased. However, claimants shall be entitle to addition in income for future prospects at the rate of 25%. As the deceased was stated to be 42 years old in the postmortem report, appropriate multiplier would be 14. Deduction for personal expenses to the tune of 1/3rd applied by the Tribunal is correct and affirmed. In this manner, loss of dependency comes to Rs.3,22,500/- [Rs.3,87,000/- (Rs.2150 x 12 x 15) + Rs.96,750/- (25% addition towards future prospects) – Rs.1,61,250/- (1/3rd deduction towards personal expenses)].

Under conventional heads, appellants shall be entitle to Rs.70,000/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270** and **Sebastiani Lakra and others Vs. National Insurance Co. Ltd. and another, AIR 2018 SC 5034,** detailed hereunder:-

Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-

Loss of estate Rs.15,000/-

In view of the above, total compensation comes to Rs.3,92,500/- and the additional amount is Rs.1,32,500/- (Rs.3,92,500/- - Rs.2,60,000/-) payable with interest at the rate of 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.

FEBRUARY 11, 2019 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**
Whether speaking/reasoned : yes/no
Whether reportable : yes/no