

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

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FAO No. 3373 of 2002(O & M)
Date of Decision : 24.5.2019

Hans Raj alias Hans Singh and another**Appellants**

v.

M/s Ganesh Oil Mills and others**Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. Ashwani Arora, Advocate, for the appellants

Mr. Paul S. Saini, Advocate, for respondent No. 3/
Insurance Company

KULDIP SINGH, J. (Oral)

CM No. 26774 of 2017 :

Heard.

For the reasons mentioned in the application, the same is allowed.

Main appeal is taken up on board today itself for disposal.

Main Case :

This appeal has been filed for enhancement of compensation awarded by the Motor Accidents Claims Tribunal (in short 'the Tribunal') vide award dated 26.10.1998.

The facts narrated for the purpose of disposal of the appeal are that Janak Raj son of the appellants, aged about 22 years, died in a motor vehicular accident on 27.5.1998. The deceased was unmarried at that point of time. The Tribunal took the income of the deceased Rs.1500/-per month and awarded the total compensation to the tune of Rs.84,000/-.

I have heard learned counsel for the parties and gone through the file.

I am of the view that income of the deceased was rightly taken to Rs.1500/-per month which was minimum wages at that time, considering that Janak Raj's employer namely Surjan Singh-AW3 has stated that Janak Raj was doing labour work at his shop and no salary was being paid to him. Since the deceased was self employed, 40% was added on account of future prospects i.e. Rs.600/-. Total income of the deceased comes to Rs.2100/-. Since the deceased was unwell, 50% was deducted and income of the deceased comes to Rs.1050/-. Since the age of the deceased was 22 years, multiplier of 18 is to be applied and the amount of the compensation comes to Rs. 2,26,800 (1050 x 12 x 18). Rs.15,000/- are allowed for loss of estate, Rs.15,000/-for funeral expenses and Rs.40,000/-are allowed to the parents for loss of love and affection in view of the judgment of the Apex Court in '**Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram and others, 2018 (4) RCR (Civil) 333'**. Thus, total compensation comes to Rs.2,96,800/-.

The enhanced compensation shall be paid along with interest @ 7.25% per annum from the date of filing of the claim petition till its realization.

Appeal is accordingly disposed of.

(KULDIP SINGH)
JUDGE

24.5.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No