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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1484-2005 (O&M)
Date of decision : 11.7.2019

Gurcharan Singh and others

.....Appellants.

Versus

Balwan Singh and others

..... Respondents.

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Kharb, Advocate for appellants.

Mr. Ravinder Arora, Advocate for respondents.

KULDIP SINGH, J.

This is an appeal for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Moga (for short 'the Tribunal') vide order dated 2.9.2003. The Tribunal awarded a lumpsum amount of compensation to the tune of Rs. 1.75 lacs on account of death of Hardeep Singh son of appellants Nos. 1 and 2 and brother of appellant No. 3 who died in a motor vehicle accident on 4.6.1999. Claimants-appellants feeling dissatisfied with the said compensation filed the present appeal.

Heard, learned counsel for the parties and have also carefully gone through the case file.

Undoubtedly, the deceased-Hardeep Singh was 22 years of age at the time of accident. Therefore, the Tribunal erred in not applying the multiplier system to assess the compensation. Though, it is claimed that the deceased was running a poultry farm and dairy farm and was an agriculturist, however, there is no proof regarding the same. Therefore, the minimum wages of the deceased are to be taken into consideration.

The deceased was unmarried. His minimum wages are to be taken as Rs. 2500/-. 40% is added on account of future prospectus. The total income comes to Rs.3500/-. Since the deceased was unmarried, 50% is deducted as personal expenses. Dependency of claimants No. 1 and 2 comes to Rs. 1750/- and after the multiplier of 18 is applied, the amount of compensation comes to Rs. 1750 x 12 x 18 i.e. Rs. 3,78,000/-. Rs. 15,000/- on account of loss of estate and Rs. 15,000/- on account of funeral expenses are allowed. As per the law laid down by Hon'ble Supreme Court in ***Magma General Insurance Company Ltd. vs. Nanu Ram @ Chuhru Ram and others, 2018/ (4) RCR (Civil) 333***, Rs. 40,000/- each are allowed to both the parents of the deceased-Hardeep Singh on account of loss of consortium.

Hence, the total amount of compensation comes to Rs. 4,88,000/-. The enhanced compensation was to be paid with interest @ 7.5% per annum from the date of filing of the claim petition till realization.

Appeal stands allowed accordingly.

(KULDIP SINGH)
JUDGE

11.7.2019
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Whether speaking / reasoned
Whether Reportable:

Yes
No