

**CM No. 13693-CII of 2019 in/and
FAO No. 6401 of 2012**

PARAMJIT KAUR SAINI
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In the High Court of Punjab and Haryana at Chandigarh

**CM No. 13693-CII of 2019 in/and
FAO No. 6401 of 2012
Date of Decision:8.7.2019**

Ranjeet Singh

---Applicant-Appellant

versus

Sanjay and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Munish Kumar Garg, Advocate
for the applicant-appellant**

**Ms. Vandana Malhotra, Advocate,
for the insurance company**

Rekha Mittal, J.

CM No. 13693-CII of 2019

Prayer in this application is for fixing actual date of hearing.

Notice of the application to counsel opposite.

Ms. Vandana Malhotra, Advocate, counsel for the insurance company accepts notice and would state that she has got no objection if the appeal is taken up for hearing today itself.

In view of the above, appeal (FAO-6401 of 2012) is taken on Board today itself.

Disposed of accordingly.

FAO No. 6401 of 2012

The claimant is in appeal seeking enhancement of

compensation on account of death of Ashok in a motor vehicular accident that took place on 15.10.2011.

The Motor Accidents Claims Tribunal, Jind (in short “the Tribunal”) awarded Rs. 2,26,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 3600/-
Deduction for personal expenses	50%
Multiplier	10
Loss of dependency	Rs. 2,16,000/-
Expenses on transportation of dead body and last rites	Rs. 10,000/-

The deceased was more than 30 years of age as he was born on 31.3.1980. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs. 4700/- per month. Claimant shall be entitle to addition in income @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. The Tribunal has applied multiplier of 10 on the basis of age of parents of deceased. The appropriate multiplier on the basis of age of deceased is 16. Accordingly, loss of dependency is calculated at Rs.6,31,680/- [4700 x 12 x16 = 9,02,400 + 3,60,960 (40%)= 12,63,360 (50%)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimant shall be entitle to Rs. 30,000/-, detailed hereunder:-

Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 6,61,680/- and the additional amount is Rs. 4,35,680/- (6,61,680- 2.26,000), payable with interest @ 7.5% per

annum from the date of petition till realization to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

8.7.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No