

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

204

FAO No.1695 of 2014 (O&M)

Date of decision: 30.05.2019

SHAKUNTLA AND ORS

... Appellants

Versus

KRISHAN ALIAS LILU AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. KC Rajput, Advocate for the appellants.
Ms. Shashi Himshikha, Advocate for
Mr. ML Singhwal, Advocate for respondent No.2.
Mr. Arun Sharma, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

CM No.5858-CII of 2014

Heard.

Allowed as prayed for. Delay of 17 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Ramesh in a motor vehicular accident that took place on 04.01.2012.

The Tribunal awarded Rs.6,15,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	11
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.5,94,000/-
5. Expenses on funeral	Rs.5000/-
6. Loss of consortium	Rs.10,000/-
7. Medical expenses	Rs.6000/-

The plea of claimants is that deceased was running cloth business by roaming from one place to another thereby earning Rs.30,000/- per month. However, the claimants did not adduce any evidence with regard to purchase of clothes by the deceased. The minimum wage was less than income of the deceased assessed by the Tribunal. Accordingly, the same is affirmed. Claimants shall be entitle to addition in income for future prospects @ 10%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency

is calculated at Rs.6,53,400/- [(6000 x 12 x 11) + (10% future prospects) – (1/4th deduction for personal expenses)].

The amount of Rs.6000/- for medical expenses allowed by the Tribunal is affirmed.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.7,29,400/- and the additional amount is Rs.1,14,400/- (7,29,400 - 6,15,000) payable with interest @ 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.

30.05.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No