

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

FAO No. 1245 of 2015(O&M)

Date of decision: 13.9.2019

Ramandeep Kaur and othersAppellants

VERSUS

Gurteshwar Pal Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Mohd. Yousaf, Advocate for the appellants.

None for respondents No.1 and 2.

Mr. Banni Thomas, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

Claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Patiala (in short 'the Tribunal') on account of death of Rajinder Singh in a motor vehicular accident that took place on 23.11.2013.

The Tribunal awarded Rs.8,45,882/-, detailed hereunder:-

Monthly income of the deceased	Rs.4000/-
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Addition in income for future prospects	30%
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Deduction for personal expenses	1/3 rd
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Multiplier	13
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Loss of dependency	Rs.5,40,852/-
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Funeral expenses	Rs.25000/-
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Loss of consortium	Rs.1,00,000/-
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The plea of claimants is that deceased was earning Rs.27,000/- per month from agriculture and dairy farming. However, the Tribunal has noticed that claimants did not produce any documentary

evidence either in respect of land or the deceased running a dairy. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.6300/- per month. Claimants shall be entitle to addition in income for future prospects @ 25%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.8,19,000/- [Rs. 9,82,800/- (Rs.6300 x 12 x 13) + Rs.2,45,700/- (25% addition towards future prospects) – Rs.4,09,500/- (1/3rd deduction towards personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/- 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 is Rs.8,89,000/- and additional amount is Rs.2,23,118/- (Rs.8,89,000/- - Rs.6,65,882/-) 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 two years.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 13, 2019

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no