IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1854 of 2015(O&M)

Date of decision: 23.5.2019

Puneet and another .....Appellants

VERSUS

Jagmender and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: None for the appellants.

Mr. Amit Kundra, Advocate for respondent No.3.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Rameshwar Dass in a motor vehicular accident that took place on 29.01.2013.

The Motor Accidents Claims Tribunal, Sonipat (in short 'the Tribunal') awarded Rs.50,000/- under 'No Fault Liability'.

Perusal of the award would reveal that Rameshwar Dass, retired from CPWD, Delhi and was drawing pension of Rs.12,797/- per annum (rounded off to Rs.12,800/- per month). The deceased was more than 72 years of age, as per his date of birth recorded in the documents maintained by his department. One of the sons of deceased namely Sandeep is employed as a Teacher and Puneet aged about 25 years is an Engineer in Computer Science. Assuming that sons of deceased were not exclusively dependent upon his earning but still they cannot be denied

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compensation. In the given scenario, deduction for personal expenses would be 50%. The admissible multiplier is 5. In this manner loss of dependency is calculated at Rs.3,84,000/- [(Rs.7,68,000/- (Rs.12800 x 12 x 5) – Rs.3,84,000/- (50% deduction towards personal expenses)].

Under conventional heads, appellants shall be entitle to Rs.30,000/- detailed hereunder:-

Funeral expenses	Rs.15000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation comes to Rs.4,14,000/- and the additional amount is Rs.3,64,000/- (Rs.4,14,000/- - Rs.50,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to be shared by the claimants equally.

The appeal is partly allowed in the aforesaid terms.

MAY 23, 2019 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**
Whether speaking/reasoned : yes/no
Whether reportable : yes/no

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