**In the High Court of Punjab and Haryana at Chandigarh**

**FAO- 1130 of 2016 (O&M)**
**Date of Decision: 18.12.2019**

**Smt. Amarjit Kaur and another**

**---Appellants**

**versus**

**Sunil Kumar and others**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

Present: Mr. R.D.Sharma, Advocate
for the appellants

None for the insurance company

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**Rekha Mittal, J.**

The claimants are in appeal seeking enhancement of compensation on account of death of Bhupinder Singh in a motor vehicular accident that took place on 8.8.2013.

The Motor Accidents Claims Tribunal, Pathankot (in short "the Tribunal") awarded Rs. 4,93,000/-, detailed hereunder:-

| | |
|---|---|
| Monthly income of the deceased | Rs. 6000/- |
| Deduction for personal expenses | 50% |
| Multiplier | 13 |
| Loss of dependency | Rs. 4,68,000/- |
| Loss of consortium | Rs. 5,000/- |
| Loss of love and affection | Rs. 5,000/- |
| Loss to estate | Rs. 5,000/- |
| Funeral expenses | Rs. 10,000/- |

The plea of claimants is that deceased was earning Rs. 20,000/- per month as he was employee of the Firm Sukhdev Singh contractor on

JCB (Heavy). They examined Sukhdev Singh AW3 and facts elicited in the statement of Sukhdev Singh have been noticed in paras 15 and 16 of the award. Counsel for the appellants has failed to advance any arguments much less meaningful to assail findings of the Tribunal rejecting plea of the claimants with regard to avocation and income of the deceased or testimony of Sukhdev Singh PW3.

There is no representation on behalf of the insurance company earlier being represented by a counsel.

Counsel, in response to a query, would fairly inform that deceased did not have a licence to drive JCB (Heavy). Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, there is no scope for allowing additional compensation with regard to monthly income of the deceased. Claimants shall be entitle to increase in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. As the deceased was 27 years old, admissible multiplier is 17. In this manner, loss of dependency is calculated at Rs. 8,56,800/- [6000 x 12 x17 + (40% thereof) – (½) ].

Under conventional heads, compensation allowed is modified to the effect that claimants 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. 8,86,800/- and the additional amount is Rs. 3,93,800/-, payable with interest @ 7.5% per annum from the date of petition till realization to mother of the deceased, to be invested in fixed deposit for a period of two years.

The Tribunal allowed interest @ 9% per annum in case compensation is not paid within one month. The Tribunal has not assigned any reason to extend this concession to the respondents therein or deny interest to the claimants who have been held entitle to compensation from the date of application. That being so, findings of the Tribunal that interest would be attracted only if compensation is not paid within one month, can not be allowed to sustain and accordingly set aside. Claimants shall be entitle to interest @ 7.5% per annum on the amount assessed by the Tribunal from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

**(Rekha Mittal)**
**Judge**

**18.12.2019**
PARAMJIT

| | | |
|---|---|---|
| Whether speaking/reasoned | : | Yes |
| Whether reportable | : | Yes/No |