

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

203-2

FAO No.1872 of 2016 (O&M)

Date of decision: 20.12.2019

Amarjit Kaur and others

... Appellants

Versus

Ram Nath and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vishal Gupta, Advocate for the appellants.
Mr. Ashwani Talwar, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sukhwant Singh in a motor vehicular accident that took place on 15.10.2014.

The Tribunal awarded Rs.8,40,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Multiplier	15
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.7,20,000/-
Expenses on funeral	Rs.20,000/-
Loss of consortium	Rs.1,00,000/-

The plea of claimants is that deceased was working as driver with M/s Public Carrier Union Morinda at salary of Rs.12,000/- per month plus Rs.150/- per day as diet money. Though the claimants examined Harjeet Singh PW3 to substantiate their plea in this regard but the Tribunal has noticed that no document has been placed on record with regard to employment of deceased Sukhwant Singh with M/s Public Carrier Union Morinda. Counsel for the appellants, in response to a query, would fairly inform that no document was produced with regard to employment and income of the deceased in that regard. However, copy of driving licence of Sukhwant Singh was marked as Ex.P1. 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.7500/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and

affirmed. In this manner, loss of dependency is calculated at Rs.12,60,000/- [(7500 x 12 x 15) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, 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.13,30,000/- and additional amount is Rs.4,90,000/- (13,30,000 - 8,40,000), 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 two years.

The appeal is partly allowed in the aforesaid terms.

20.12.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No