

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

227

FAO-3027-2015 (O&M)

Date of decision: 17.01.2019

SEEMA AND ORS

... Appellants

Versus

BIJENDER SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.
 Ms. Monika Jangra, Advocate for
 Ms. Vandana Malhotra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sunil Kumar in a motor vehicular accident that took place on 17.10.2011.

The Tribunal has awarded compensation of Rs.8,88,780/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4926/-
2. Multiplier	17
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.7,53,780/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-
7. Transportation expenses	Rs.10,000/-

The plea of claimants is that the deceased was doing work of petty contractor qua electrical fittings of the building and tubewell etc. They placed on record secondary examination certificate Ex.P29, certificate of training in Electrician Trade Ex.P30 and result-cum-detail marks card issued by Maharana Pratap Industrial Private Training Center Ex.P31. However, the claimants have failed to adduce cogent and convincing evidence with regard to income of the deceased. The academic and technical qualification of the deceased when examined in the light of notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.5200/- per month. Claimants shall be entitle to future prospects @ 40%. The multiplier and deduction for personal expenses allowed by the Tribunal are affirmed. In this manner, loss of

dependency is calculated at Rs.11,13,840/- [(5200 x 12 x 17) + (40% future prospects) – (1/4th 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/-, 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.11,83,840/- and the additional amount is Rs.2,95,060/- (11,83,840 - 8,88,780), payable with interest @ 7.5% per annum from the date of petition till realization, to Sawan Kumar and Savita minor children of the deceased in equal proportion, to be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

17.01.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No