

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

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FAO-3230-2015 (O&M)

Date of decision: 01.02.2019

CHARANJIT SINGH AND ORS

... Appellants

Versus

DALJIT SINGH AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vipul Sharma, Advocate for the appellants.
None for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Jaswant Singh in a motor vehicular accident that took place on 03.03.2012.

The Tribunal has awarded compensation of Rs.1,00,000/-, detailed hereunder:-

1. Mental pain and agony	Rs.40,000/-
2. Loss of love and affection	Rs.30,000/-
3. Transportation and last rites	Rs.30,000/-

Counsel for the appellants would argue that even if the claimants were not held to be dependent upon income of the deceased aged about 75 years, they are entitle to substantial amount qua loss of estate. It is further argued that application for compensation has been filed by one son and three daughters of the deceased.

The claimants have produced income tax returns Exs.PW2/A and PW2/B. In the income tax returns Exs.PW2/A and PW2/B, income of the deceased from salary is Rs.1,08,000/- and Rs.1,14,000/- respectively. The other income is the interest income, as deposed by an official of Income Tax Department examined in the case and the same would be available to family of the deceased. Taking into consideration income of the deceased under the head salaries to the tune of Rs.1,08,000/- in the latest return, his monthly income is Rs.9000/-. After deducting 60% towards personal and living expenses of the deceased, the remaining 40% would be Rs.3600/-. After applying multiplier of 5, loss of

estate is calculated at Rs.2,16,000/- (3600 x 12 x 5).

Under conventional heads, claimants shall be entitle to an amount of Rs.15,000/- for expenses on funeral/last rites.

Total compensation is Rs.2,31,000/- and the additional amount is Rs.1,31,000/- (2,31,000 – 1,00,000), payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by the claimants in the ratio ascertained by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

01.02.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No