

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

221

FAO-2676-2016 (O&M)

Date of decision: 30.04.2019

NATIONAL INSURANCE CO. LTD.

... Appellant

Versus

BIMLA DEVI AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Pardeep Goyal, Advocate for the appellant.
Mr. Ram K. Saini, Advocate for respondents No.1 and 2.
Mr. Rajpal S. Chauhan, Advocate for
Mr. Raja Ram Kaushik, Advocate for respondents No.3 and 4.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 11.01.2016 passed by the Motor Accidents Claims Tribunal, Kurukshetra whereby compensation has been assessed on account of death of Karam Singh son of the claimants in a motor vehicular accident that took place on 18.06.2015.

Counsel for the insurance company would inform that the appeal has been preferred to assail findings of the Tribunal qua quantum of compensation paid to the respondents.

The Tribunal awarded Rs.16,77,400/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.10,200/-
2. Addition in income for future prospects	50%
3. Multiplier	18
4. Deduction for personal expenses	50%
5. Loss of dependency	Rs.16,52,400/-
6. Expenses on transportation and funeral	Rs.25,000/-

The plea of claimants is that the deceased was doing private job in CCN Cafe Coffee Night, Sector 17, Kurukshetra and also tuition work thereby earning Rs.20,000/- per month. The Tribunal has noticed that the claimants did not produce any documentary evidence with regard to profession and income of the deceased. However, it remains a fact that copy of Secondary Examination Certificate issued by the Board of School Education, Haryana is marked as Ex.P5 wherein date of birth of the

deceased is recorded as 05.02.1992. Taking a clue from notification issued by the State of Haryana fixing minimum wage coupled with educational qualification of the deceased, 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.11,34,000/- [(7500 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitle to Rs.30,000/-, detailed hereunder:-

1. Expenses on last rites	Rs.15,000/-
2. Loss of estate	Rs.15,000/-

Total compensation is Rs.11,64,000/- and compensation awarded by the Tribunal is reduced to the extent of Rs.5,13,400/- (16,77,400 - 11,64,000). The insurance company shall be entitle to recover the excess amount, if already paid, by filing an appropriate application before the Tribunal.

The appeal is partly allowed in the aforesaid terms.

30.04.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No