

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

FAO No.6010 of 2013 (O&amp;M)

Date of decision: 16.07.2019

Shinder Kaur @ Surinder Kaur and others

... Appellants

Versus

Jaswant Singh

... Respondent

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Barjinder Singh, Advocate for the appellants.

Mr. DS Gurna, Advocate for the respondent.

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**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation on account of death of Amrik Singh in a motor vehicular accident that took place on 15.05.2011.

Mr. DS Gurna, Advocate has caused appearance on behalf of the respondent, superseding the earlier counsel. Vakalatnama filed on behalf of the respondent in the Court, is taken on record.

The Tribunal awarded Rs.5,38,000/-, detailed hereunder:-

|                                 |                   |
|---------------------------------|-------------------|
| Monthly income of the deceased  | Rs.6000/-         |
| Multiplier                      | 11                |
| Deduction for personal expenses | 1/3 <sup>rd</sup> |
| Loss of dependency              | Rs.5,28,000/-     |
| Expenses on funeral             | Rs.5000/-         |
| Loss of consortium              | Rs.5000/-         |

The deceased was co-owner to the extent of 1/4<sup>th</sup> share in land measuring 8 bighas and as such, he was owner of 2 bighas of land. The

minimum wage of a skilled worker at the relevant time was approximately Rs.4000/- per month. Accordingly, income of the deceased is accessed at Rs.4500/- per month. Claimants shall be entitle to addition in income for future prospects @ 25%.

The application for compensation has been filed by the widow, three children and parents of the deceased. The admissible deduction would be 1/4<sup>th</sup>. As the deceased was 47 years old, the appropriate multiplier is 13. In this manner, loss of dependency is calculated at Rs.6,58,125/- [(4500 x 12 x 13) + (25% future prospects) – (1/4<sup>th</sup> 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.7,28,125/- and the additional amount is Rs.1,90,125/- (7,28,125 - 5,38,000) 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.

16.07.2019

ashok

(REKHA MITTAL)  
JUDGE

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