

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

-.-

FAO 2772 of 2016 (O&M)

Date of decision: 29.03.2019

Paramjit Kaur and others

.....Appellant

Versus

Sanijot Singh etc.

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Rajan Bansal, Advocate
for the appellants

Mr. D P Gupta, Advocate
for respondent insurance company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Balbir Singh in a motor vehicular accident that took place on 22.03.2014.

The Tribunal has awarded Rs.10,82,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.7,000/-
-Deduction for personal expenses	1/3 rd
-Multiplier	16
-Loss of dependency	Rs.8,96,000/-
-Loss of consortium to widow	Rs.1,00,000/-
-Funeral expenses	Rs.25,000/-
-Medical expenses	Rs.61,000/-

The Tribunal has assessed income of deceased at Rs.7,000/- per month by treating him as labourer. Taking a clue from notification issued by the State of Punjab fixing minimum wage of unskilled worker available at the relevant time, income of deceased is assessed at Rs.6,500/- per month.

The claimants shall be entitle to addition in income for future prospects @ 40%. Application for compensation has been filed by the widow, two minor children and mother of the deceased. Accordingly, deduction for personal and living expenses would be 1/4th. Multiplier applied by the Tribunal is correct and affirmed. As such, loss of dependency is Rs.13,10,400/- (Rs.12,48,000/- i.e. 6,500 x 12 x 16 + Rs.4,99,200/- (40% deduction) – Rs.4,36,800/- (1/4th (deduction))).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitle to Rs.70,000.00 (Rs.40,000.00 for loss of consortium, Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034*.

Total compensation is Rs.14,41,400/- and additional amount is Rs.3,59,400/-(Rs.14,41,400/- - Rs.10,82,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to minor children of the deceased in equal ratio, to be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later and interest accruing thereon shall be payable to their mother to meet day-to-day expenses of the children.

(Rekha Mittal)
Judge

29.03.2019
Mohan Bimbura

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