IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208 **Date of decision: 22.08.2019**

FAO No.5607 of 2014 (O&M)

Beant Kaur ... Appellant

Versus

Balkar Singh and others ... Respondents

FAO No.5669 of 2014 (O&M)

Beant Kaur and others ... Appellants

Versus

Balkar Singh and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vishwajit Bedi, Advocate for the appellants.
Mr. Ravinder Arora, Advocate and
Mr. Neeraj Khanna, Advocate for the insurance company.

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REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.5607 and 5669 of 2014 as these have emerged out of the same accident that took place on 03.03.2012 in which Beant Kaur sustained injuries and Kulbir Singh passed away.

FAO No.5607 of 2014 has been filed by Beant Kaur seeking enhancement of compensation whereas the other appeal has been preferred by the claimants for the same relief.

FAO No.5607 of 2014

The Tribunal awarded Rs.2,93,971/-, detailed hereunder:-

Medical expenses	Rs.1,83,971/-
Pain and sufferings	Rs.25,000/-
Loss of income during hospitalisation	Rs.50,000/-
Transportation charges	Rs.10,000/-
Special diet	Rs.15,000/-
Attendant charges	Rs.10,000/-

I have gone through the records but find that the Tribunal has shown magnanimity in awarding compensation for pain and sufferings and loss of income during period of hospitalisation as the injured was in hospital only for a period of 11 days and she has not suffered any disability. In this view of the matter, there is no justification for allowing additional compensation.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed.

FAO No.5669 of 2014

The Tribunal awarded Rs.9,59,492/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Multiplier	14
Deduction for personal expenses	1/3rd
Loss of dependency	Rs.6,72,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-
Medical expenses	Rs.1,62,492/-

Counsel for the claimants/appellants would argue that income of the deceased assessed by the Tribunal is on lower side and needs enhancement. It is further argued that claimants may be extended benefit of addition in income for future prospects.

The claimants produced on record salary certificate Ex.CX purported to be issued by M/s A2Z Solution, Jyoti Park, Gurgaon . They did not examine witness of the concerned company to prove employment and income of the deceased. In the given circumstances, the Tribunal has rightly refused to rely upon the document for assessing monthly loss of income. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the deceased assessed by the Tribunal is affirmed. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. However, admissible multiplier is 17. In this manner, loss of dependency is calculated at Rs.11,42,400/- [(6000 x 12 x 17) + (40% future prospects) – (1/3rd 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/-

A sum of Rs.1,62,492/- towards medical expenses allowed by the Tribunal is affirmed. In this manner, total compensation is Rs.13,74,892/- and the additional amount is Rs.4,15,400/- (13,74,892 - 9,59,492), payable with interest @ 7.5% per annum from the date of petition till realization, to Pavneet Kaur, minor daughter of the deceased, to be invested in fixed deposit till she attains majority or for a period of three years, whichever is later

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

22.08.2019
ashok

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No