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

Date of decision: 5.3.2019

1. **FAO No. 3018 of 2016(O&M)**

Manju Devi and others …..Appellants

VERSUS

Vinod Kumar D. Parmar etc. .....Respondents

****

2. **FAO No. 3019 of 2016(O&M)**

Jagdish @ Jagbir and another …..Appellants

VERSUS

Vinod Kumar D. Parmar etc .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.S. Hooda, Advocate for the appellants.

Ms. Madhu Sharma, Advocate for the insurance company.

*****

REKHA MITTAL, J.(Oral)

This order will dispose of FAO Nos.3018 and 3019 of 2016 as these have emerged out of same award dated 03.09.2015 passed by the Motor Accidents Claims Tribunal, Palwal (in short 'the Tribunal') whereby compensation has been assessed on account of death of Jile Singh and Tejvir in a motor vehicular accident that took place on 25.12.2013.

FAO No.3018 of 2016 has been filed by Manju Devi and others for enhancement of compensation on account of death of Jile Singh whereas the other appeal has been preferred by unfortunate parents of Tejvir for the same relief.

FAO No.3018 of 2016

The Tribunal has allowed compensation of Rs.7,13,000/- detailed hereunder:-

Monthly income of the deceased	Rs.4500/-
Deduction for personal expenses	1/4th
Multiplier	16
Loss of dependency	Rs.6,48,000/-
Loss of consortium to the widow	Rs.50,000/-
Funeral expenses	Rs.10,000/-
Loss of estate	Rs.5,000/-

As per plea of the claimants, the deceased was working as commission agent along with his brother at Grain Market, Mohna besides doing milk vending and agricultural work. The Tribunal has noticed in para 27 of the award that no document supporting plea of the claimants qua avocation and income of the deceased has been produced and accordingly, the Tribunal has assessed income of the deceased on the basis of wage of a casual labour.

Taking a clue from the notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.5400/- per month. Claimants shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.10,88,640/- [Rs.10,36,800/- (Rs.5400/- x 12 x 16) + Rs.4,14,720/- (40% towards future prospects) - Rs.3,62,880/- (1/4th towards personal expenses)]

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitle to Rs.70,000/- detailed hereunder:-

Loss of consortium to the widow	Rs.40,000/-
Loss to estate	Rs.15,000/-
Funeral expenses	Rs.15,000/-

In view of the above, total compensation is Rs.11,58,640/- and additional amount is Rs.4,45,640/- (Rs.11,58,640/- – Rs.7,13,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to be shared by minor children of deceased in the ratio 20:20:25:35, to be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

FAO No.3019 of 2016

The Tribunal has awarded Rs.4,05,000/- detailed hereunder:-

Annual notional income of deceased	Rs.15,000/-
Multiplier	17
Loss of dependency	Rs.2,55,000/-
Future prospects	Rs.75,000/-
Non-pecuniary damages	Rs.75,000/-

Taking into consideration the judgment of Hon'ble the Supreme Court **Krishan Gopal and another Vs. Lala and others, 2013(4) RCR (Civil) 276**, claimants are awarded Rs.5,00,000/- in all and additional amount of Rs.95,000/- is payable with interest at the rate of 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

MARCH 5, 2019 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no