

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

239

FAO-3033-2016 (O&M)

Date of decision: 05.07.2019

JUHARI

... Appellant

Versus

DHARAMBIR ETC

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Jangvir S. Hooda, Advocate for the appellant.
Ms. Vandana Malhotra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Arshad in a motor vehicular accident that took place on 19.11.2014.

The Tribunal awarded Rs.4,34,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.8000/-
2. Multiplier	8
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.3,84,000/-
5. Expenses on transportation and last rites	Rs.20,000/-
6. Loss of love and affection	Rs.30,000/-

The plea of claimants is that deceased was truck driver and earning Rs.10,000/- per month. The deceased sustained injuries when he was underneath the truck after fixing a jack to replace the punctured tyre. The claimant did not examine owner of the vehicle with regard to salary of the deceased. Taking a clue from the notification issued by the State of Haryana fixing minimum wage, income of the deceased is assessed at Rs.6500/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses applied by the Tribunal is correct and affirmed. However, as the deceased was 22 years old, admissible multiplier would be 18. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315, National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017**

SCC 1270 and M/s Royal Sundaram Alliance Insurance Co. Ltd. Vs. Mandala Yadagari Goud and ors, CA No.6600 of 2015, decided on 09.04.2019. Accordingly, loss of dependency is calculated at Rs.9,82,800/- [(6500 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 claimant 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.10,12,800/- and the additional amount is Rs.5,78,800/- (10,12,800 - 4,34,000) payable with interest @ 7.5% per annum from the date of petition till realization, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

05.07.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No