

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

221-2

FAO No.422 of 2015 (O&M)

Date of decision: 19.07.2019

Yuvraj Gill and others

... Appellants

Versus

Dharamvir and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. KS Khaira, Advocate for
Mr. Vaibhav Jain, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sukhraj Singh in a motor vehicular accident that took place on 26.07.2012.

The Tribunal awarded Rs.13,73,300/-, detailed hereunder:-

Monthly income of the deceased	Rs.8000/-
Addition in income for future prospects	30%
Multiplier	15
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.12,48,300/-
Expenses on funeral	Rs.25,000/-
Loss of love and affection	Rs.1,00,000/-

The plea of claimants is that deceased was cultivating land. Copy of jamabandi Ex.P64 in respect of 16 acres of land in the name of Sukhraj Singh and Gurpreet Kaur his wife was produced on record. Land left behind by the deceased would be available to his family. Taking a clue from notification issued by the State of Haryana fixing minimum wage coupled with that income of the deceased is to be assessed on the basis of loss of managing skills, there is no justification for allowing additional compensation with regard to monthly loss of dependency when otherwise Tribunal has allowed addition of 30% as against admissible in the circumstances. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. The tribunal has awarded a sum of Rs.1,25,000/- under conventional heads as against Rs.30,000/- available in the given scenario. In view of the above, there is no justification for allowing additional compensation.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

19.07.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No