

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

FAO-3379-2016 (O&M)

Date of decision: 18.07.2019

PURNIMA & ANR

... Appellants

Versus

NIRMAL SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Kuldeep Kumar, Advocate for the appellants.
Mr. Vipul Sharma, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sanjay in a motor vehicular accident that took place on 19.05.2015.

The Tribunal awarded Rs.9,89,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Multiplier	18
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.8,64,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-

The plea of claimants is that deceased was doing work of loading and unloading of scrap and he had been taking contracts for executing the said work thereby earning Rs.20,000/- per month. This plea of the claimants does not find corroboration from any independent source much less documentary evidence. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.7000/- 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 so also multiplier applied on the basis of age of the deceased. In this manner, loss of dependency is calculated at Rs.14,11,200/- [(7000 x 12 x 18) + (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/-

Total compensation is Rs.14,81,200/- and the additional amount is Rs.4,92,200/- (14,81,200 - 9,89,000), payable with interest @ 7.5% per annum from the date of petition till realization, to widow and father of the deceased, in equal ratio.

The appeal is partly allowed in the aforesaid terms.

18.07.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No