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

**FAO No.6278 of 2014(O&M)
Date of Decision: 08.01.2019**

**Sukhjinder Kaur and another ......Appellants**

**Versus**

**Surinder Singh and others .....Respondents**

**CORAM:** ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Sandeep Verma, Advocate
for the appellants.

Mr. Rajbir Singh, Advocate
for respondent No.3.

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***RAJ MOHAN SINGH, J.(Oral)***

[1]. This appeal has been preferred by the claimants/appellants for enhancement of compensation awarded by Motor Accident Claims Tribunal, SAS Nagar, Mohali (for short 'The Tribunal') on 15.05.2014.

[2]. Appellants are widow and minor daughter of the deceased Sukhwinder Singh who died in a vehicular accident on 03.03.2013.

[3]. The Tribunal held that the accident in question took place due to rash and negligent driving of respondent No.1.

While awarding compensation, the Tribunal took cognizance of the fact that deceased Sukhwinder Singh was 45 years of age and in the absence of any cogent material except statement of Mr. H.S. Randhawa, the income of the deceased was found to be only Rs.5000/- per month. The deceased was not an income tax assessee, therefore, his income was not appreciated to be Rs.18,000/- per month as claimed by the claimants. On the basis of income of the deceased to be Rs.5000/-, total compensation was assessed to the tune of Rs.8,78,000/- after applying multiplier of 14. Increase of 30% was applied towards future prospects and deduction to the tune of 1/3rd was applied towards personal expenses of the deceased.

[4]. During course of arguments, learned counsel for the appellants contended that the monthly income of the deceased was inappropriately appreciated.

[5]. I have found from the prevailing figure of minimum wage in the year 2013 that the minimum wage was Rs.5694/- per month i.e. Rs.5700/- per month in round figure. If monthly income of the deceased is taken to be Rs.5700/- per month and future prospects to the tune of 25% in view of ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 SCC 1270*** is added, the monthly income of the deceased would come out to be Rs.7125/- (5700+1425=7125). Keeping in

view the composition of the family of the deceased, deduction to the tune of 1/3rd can be applied, therefore, the monthly dependency would come out to be Rs.4750/- (7125-2375=4750) i.e. Rs.57,000/- (4750X12=57,000) per annum. Keeping in view the age of the deceased to be 45 years and in view of ratio laid down in ***Smt. Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) PLR 22***, multiplier of 14 can be applied and after applying the same, the compensation would come out to be Rs.7,98,000/- to which an amount of Rs.70,000/- can be added towards conventional heads in view of ratio laid down in ***National Insurance Company Limited Vs. Pranay Sethi and others case (supra).*** In this manner, total compensation would come out to be Rs.8,68,000/-.

[6]. Learned counsel for the appellants contended that in view of ratio laid down in ***Magma General Insurance Company Ltd. Vs. Nanu Ram @ Chuhru Ram and others, 2018(4) RCR (Civil) 333***, minor daughter is entitled to filial consortium to the extent of 40,000/-. Learned counsel submitted that the appellants would be contended with the aforesaid escalation towards filial consortium as in case of ***Magma General Insurance Company Ltd. case (supra)*** is applied.

[7]. Taking into consideration the aforesaid attending facts and circumstances of the case, I deem it appropriate to add

Rs.40,000/- in the aforesaid calculation of Rs.8,68,000/-, thereby making total compensation to the tune of Rs.9,08,000/- (8,68,000+40,000=9,08,000). The Tribunal has already awarded an amount of Rs. Rs.8,78,000/-, therefore the said amount has to be deducted from the total compensation and after deducting the same, enhanced amount of compensation would come out to be Rs.30,000/- (9,08,000-8,78,000=30,000).

[8]. The enhanced amount of compensation i.e. Rs.30,000/- shall carry interest @ 7.5 % per annum from the date of filing of the claim petition till final realisation of the amount.

[9]. With the aforesaid modification, the present appeal stands disposed of.

08.01.2019 **(RAJ MOHAN SINGH)**
*Prince* **JUDGE**

**Whether reasoned/speaking Yes/No**
**Whether reportable Yes/No**