

In the High Court of Punjab and Haryana at Chandigarh

FAO- 4912 of 2015 (O&M)
Date of Decision: 16.9.2019

Gurpreet Kaur and others

---Appellants

versus

Gurpreet Singh

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. A.S.Gill, Advocate
for the appellants

Mr. R.S.Athwal, Advocate,
for the respondent

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Hardeep Singh in a motor vehicular accident that took place on 13.2.2014.

The Motor Accidents Claims Tribunal, Shaheed Bhagat Singh Nagar (in short “the Tribunal”) awarded Rs.5.55 lakh, detailed hereunder:-

Monthly income of the deceased	Rs. 4500/-
Deduction for personal expenses	1/3
Multiplier	15
Loss of dependency	5.4 lakh
Loss of consortium to widow	Rs. 10,000/-
Funeral expenses	Rs. 5000/-

Plea of the claimants is that deceased was an agriculturist thereby earning Rs. 10,000/- per month. However, they failed to produce satisfactory much cogent and convincing evidence to establish their plea

with regard to avocation and income of deceased.

Counsel for the respondent has supported assessment made by the Tribunal with the submission that driver of offending vehicle has been acquitted of criminal charge.

Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of deceased is assessed at Rs. 6300/- per month. Claimants shall be entitle to increase in income for future prospects @ 40%. The multiplier applied is correct and affirmed. Claim has been preferred by four minor children, widow and mother of deceased, therefore, deduction for personal and living expenses is $\frac{1}{4}$ th. In this manner, loss of dependency is calculated at Rs. 11,90,700/- [$6300 \times 12 \times 15 = 11,34,000 + 4,53,600 (40\%) = 15,87,600 - 3,96,900 (\frac{1}{4}$ th)].

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

Loss of consortium	Rs. 40,000/-
Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 12,60,700- and the additional amount is Rs. 7,05,700/- (12,60,700 -5,55,000), payable with interest @ 7.5% per annum from the date of petition till realization to Rajbir Kaur and Ekambir Singh, minor children of deceased in equal ratio, to be invested in fixed deposit which shall not be paid until they attain majority or for a period of three years, whichever is later. The interest accruing on the FDRs shall be paid to their mother for meeting expenses on their education and

living.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

16.9.2019
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No