

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

237

FAO-5122-2015 (O&M)

Date of decision: 16.01.2019

SAPNA DEVI AND ORS

... Appellants

Versus

KANWAR SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. M.S. Randhawa, Advocate for the appellants.
Mr. Punit Jain, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Hanuman in a motor vehicular accident that took place on 08.01.2014.

The Tribunal has awarded compensation of Rs.11,99,664/-,
detailed hereunder:-

1. Monthly income of the deceased	Rs.8200/-
2. Multiplier	16
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.10,49,664/-
5. Expenses on transportation and last rites	Rs.20,000/-
6. Loss of love and affection	Rs.30,000/-
7. Loss of consortium	Rs.1,00,000/-

The Tribunal has assessed income of the deceased at Rs.8200/- per month. The plea of claimants is that the deceased had been earning Rs.17,000/- per month but failed to lead cogent and convincing evidence in this regard. However, in view of notification issued by the State of Haryana fixing minimum wage w.e.f. 01.01.2014, income of the deceased is assessed at Rs.6000/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. As the deceased was 26 years old, admissible multiplier is 17. Deduction for personal expenses applied by the Tribunal is

correct and affirmed. In this manner, loss of dependency is calculated at Rs.11,42,400/- [(6000 x 12 x 17) + (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.12,12,400/- and the additional amount is Rs.12,736/- (12,12,400 - 11,99,664), payable with interest @ 7.5% per annum from the date of petition till realization, to Gautam minor son of Hanuman, to be invested in fixed deposit till he attains the age of majority or for a period three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

16.01.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No