

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

-.-

FAO 4244 of 2016 (O&M)

Date of decision: 27.08.2019

Sushila Devi

.....Appellant

Versus

Awadesh Kumar and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: None for the appellant

Mr. B S Taunque, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Ravi in a motor vehicular accident that took place on 20.03.2015.

The Tribunal awarded Rs.5,06,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.4,500/-
-Deduction for personal expenses	50%
-Multiplier	18
-Loss of dependency	Rs.4,86,000/-
-Loss of love and affection and expenses spent on last rites	Rs.20,000/-

The plea of claimant is that the deceased was working as a Tractor driver and earning Rs.15,000/- per month. The Tribunal, in para 16 of the award, has noticed that no authentic document with regard to avocation and income nor driving licence of the deceased has been placed

on record. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, income of deceased is assessed at Rs.7,000/- per month. The claimant shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal and living expenses allowed by the Tribunal is correct and affirmed and so also multiplier applied for computing loss of dependency. As such, loss of dependency comes to Rs.10,58,400/- (Rs.15,12,000/- i.e. 7,000 x 12 x 18 + Rs.6,04,800 (40% addition) – Rs.10,58,400 (50% deduction).

Under conventional heads, claimant shall be entitle to Rs.30,000.00 (Rs.15,000.00 each qua loss to estate and funeral expenses) in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034*.

In view of the above, total compensation is Rs.10,88,400/- and additional amount is Rs.5,82,400/- (10,88,400-5,06,000) payable with interest @ 7.5% per annum from the date of filing of petition till realization, to be invested in fixed deposit for a period of three years.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

27.08.2019
Mohan Bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No