

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

FAO-5382-2015

Date of Decision:16.11.2019

Rajdehia and another

... Appellants

Vs.

Hajar Khan and others

... Respondents

CORAM : HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Ashwani Arora, Advocate
for the appellants.

Mr. Sanjay, Advocate for respondent No.1.

NIRMALJIT KAUR, J. (Oral)

The present appeal has been filed by the claimants for enhancement of compensation granted vide award dated 16.4.2015 passed by the Motor Accident Claims Tribunal, SAS Nagar, Mohali.

All the respondents stand served. However, no one has put in appearance on behalf of respondents No.2 and 3 and they were ordered to be proceeded ex parte.

Learned counsel for the appellants-claimants while praying for enhancement of compensation submitted that the income has been taken on the lower side as per the minimum wages in the year 2014 per month for unskilled labourer was Rs.6467.67/- as per the notification dated 5.4.2017 pertaining to the year 1.3.2014 onwards and in the present case accident took place on 14.7.2014. Therefore, the said notification was applicaable. Whereas only Rs.5600/- was assessed as the income.

In view of the above, income is assessed as Rs.6467/- per month. Moreover, the age of the deceased at that time was 24 years. Therefore, multiplier is required to be applied as 18 instead of 13 in view of the well settled proposition of law laid down by the Apex Court.

In view of the above discussion, compensation is re-assessed as under:

Particulars	Amount (in ₹)
Income	₹ 6467/- p.m.
50% future prospects	₹ 3233/- (₹ 6467 + 3233 = 9700/-
Income after deduction of 1/2 th	₹ 4850/-
Multiplier @ 18	₹ 4850 x 12 x 13 = ₹ 1047600/-
Funeral expenses	₹ 25000/-
Total compensation	₹ 1072600/-
Compensation awarded by the Tribunal	₹ 6,80,200/-
Differences	₹ 1072600– ₹ 680200 = ₹ 392400/-

Accordingly, the present appeal is allowed only to the said extent. The enhanced amount of ₹ 392400/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from the date of the claim petition till its realization.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of two months.

16.11.2019
rajeev

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No