IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

217 FAO-7686-2014 (O&M)
Date of decision: 14.05.2019

KANWAR SINGH ... Appellant

Versus

SATISH KUMAR & ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Monika Singh, Advocate for
Mr. Anil K. Gahlawat, Advocate for the appellant.
Mrs. Madhu Sharma, Advocate for the insurance company.
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REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Sandeep in a motor vehicular accident that took place on 01.02.2013.

The Tribunal awarded Rs.2,40,000, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Multiplier	7
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.2,10,000/-
5. Expenses on funeral	Rs.5,000/-
6. Loss of love & affection and consortium	Rs.25,000/-

The plea of claimants is that deceased was doing the work of milk vendor and agriculture thereby earning Rs.10,000/- per month. Counsel for the appellant has failed to point out any materials on record to corroborate testimony of the claimant with regard to avocation much less income of the deceased. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.5250/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%.

Counsel for the insurance company would argue that since father is a pensioner, he was not dependent on income of the deceased, therefore, is not entitle to get compensation. The contention raised by counsel for the insurance company is patently misconceived and rejected. Deduction for personal expenses applied by the Tribunal is correct and affirmed. As the deceased was 25 years old, admissible multiplier is 18. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**, **Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315** and **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.** In view of the above, loss of dependency is calculated at Rs.7,93,800/- [(5250 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimant shall be entitle to Rs.30,000/-, detailed hereunder:-

1. Expenses on last rites	Rs.15,000/-
2. Loss of estate	Rs.15,000/-

Total compensation is Rs.8,23,800/- and the additional amount is Rs.5,83,800/- (8,23,800 - 2,40,000) payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

14.05.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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