

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

235

FAO-5085-2016 (O&M)

Date of decision: 19.07.2019

DALBAGH SINGH & ORS

... Appellants

Versus

JASWANT SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Arjun Kundra, Advocate for
Mr. Atul Goyal, Advocate for the appellants.
Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Daljit Singh in a motor vehicular accident that took place on 03.10.2014.

The Tribunal awarded Rs.4,00,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.4000/-
Multiplier	16
Deduction for personal expenses	50%
Loss of dependency	Rs.3,84,000/-
Expenses on funeral	Rs.6000/-
Loss of love and affection	Rs.10,000/-

The plea of claimants is that deceased was working as Munshi with Rana Stone Crusher at salary of Rs.12,000/- per month. The claimants examined Ajit Pal Rana PW3 to prove avocation and income of the deceased but witness did not produce any documentary evidence in this regard. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.6700/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses applied by the Tribunal is correct and affirmed. However, as the deceased was less than 25 years of age, admissible multiplier is 18. In this manner, loss of dependency is calculated at Rs.10,13,040/- [(6700 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 claimants 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.10,43,040/- and the additional amount is Rs.6,43,040/- (10,43,040 - 4,00,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

19.07.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No