

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

FAO No. 5112 of 2016(O&M)

Date of decision: 19.9.2019

Rekha and others

.....Appellants

VERSUS

Ramesh Chander and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Manish Saini, Advocate for
Mr. R.K. Saini, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

There is no representation on behalf of the insurance company despite service.

Claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Hisar (in short 'the Tribunal') on account of death of Sombir in a motor vehicular accident that took place on 10.12.2013.

The Tribunal awarded Rs.9,75,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Deduction for personal expenses	1/4 th
Multiplier	17
Loss of dependency	Rs.9,18,000/-
Funeral expenses	Rs.25000/-
Loss of love and affection	Rs.25,000/-
Transport and miscellaneous expenses	Rs.7,000/-

The plea of claimants is that deceased was working as Electrician thereby earning Rs.20,000/- per month. However, the

claimants failed to adduce sufficient much less cogent evidence to prove avocation and 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 assessed by the Tribunal needs no modification. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.12,85,200/- [Rs.12,24,000/- (Rs.6000 x 12 x 17) + Rs.4,89,600/- (40% addition towards future prospects) – Rs.4,28,400/- (1/4th deduction towards 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:-

Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation is Rs.13,55,200/- and additional amount is Rs.3,80,200/- (Rs.13,55,200/- - Rs.9,75,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to minor children of the deceased in equal ratio to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 19, 2019

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no