

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

FAO No. 5131 of 2016(O&M)

Date of decision: 2.7.2019

Harjeet Kaur and othersAppellants

VERSUS

Jarnail Ram and othersRespondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Ms. Kiranjeet Kaur, Advocate for
 Mr. Ravinder Malik, Advocate for the appellants.

 Mr. R.C. Gupta, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Ambala (in short 'the Tribunal') on account of death of Amrit Singh @ Amrit Pal in a motor vehicular accident that took place on 12.03.2015.

The Tribunal has awarded compensation of Rs.9,58,000/- 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/-
Loss of consortium	Rs.20,000/-
Expenses on transportation, funeral and last rites	Rs.20,000/-

The plea of claimants is that the deceased was owner of land measuring 6/7 acres and he was running a poultry farm in a rented premises. Counsel for the appellants has failed to point out any materials on record to establish plea of the claimants either with regard to ownership of land or business of poultry farm by Sh. Amrit Singh. When the case is examined in the light of notification issued by the State of Haryana fixing minimum wage at the relevant time, there is no justification for assessing income at a rate higher than allowed by the Tribunal. However, claimants shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency comes to 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 awarded by the Tribunal is modified to the effect that claimants shall be entitled to Rs.70,000/- detailed hereunder:-

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

In view of the above, total compensation is Rs.13,55,200/- and the additional amount is Rs.3,97,200/- (Rs.13,55,200/- - Rs.9,58,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to be paid to minor claimants in equal ratio, to be invested in fixed deposit by the Tribunal till they attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

JULY 2, 2019

‘D. Gulati’

Whether speaking/reasoned

Whether reportable

:

:

yes/no

yes/no