

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

-.-

FAO 5215 of 2016 (O&M)

Date of decision: 02.09.2019

Mohinder and another

.....Appellants

Versus

Jai Bhagwan and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: None for the appellants
Mr. Punit Jain, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Mayuk Lal in a motor vehicular accident that took place on 01.02.2012.

The Tribunal awarded Rs.6,15,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.5,000/-
-Deduction for personal expenses	50%
-Multiplier	18
-Loss of dependency	Rs.5,40,000/-
-Funeral expenses	Rs.25,000/-
-Loss of love and affection	Rs.50,000/-

The plea of claimants is that the deceased was working as Labourer thereby earning Rs.8,000/- per month. However, the claimants have failed to adduce any evidence to prove income of deceased. When the case is examined in the light of notification issued by the State of Haryana fixing minimum wage, there is no justification for increasing income of the deceased. 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 Rs.7,56,000/- [(Rs.10,80,000/- i.e. 5,000 x 12 x 18 + Rs.4,32,000/- (40% addition)- Rs.7,56,000/- (50% deduction)]

Under conventional heads, claimants shall be entitle to Rs.30,000.00 (Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034*.

Total compensation is Rs.7,86,000/- and additional amount is Rs.1,71,000/-, 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 three years.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

02.09.2019

Mohan Bimbura

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