

In the High Court of Punjab and Haryana at Chandigarh

FAO- 5222 of 2016(O&M)
Date of Decision: 6.2.2019

Santosh Rani and another

---Appellants

versus

Gurmeet Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Amit Kohar, Advocate
for the appellants

Rekha Mittal, J.

Mr. Varun Sharma, Advocate, for Mr. Satpal Dhamija, Advocate, has caused appearance on behalf of the insurance company.

The claimants are in appeal seeking enhancement of compensation on account of death of Harjinder Pal in a motor vehicular accident that took place on 16.2.2014.

The Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri (in short “the Tribunal”) has awarded compensation of Rs.7,23,000/-, detailed hereunder:-

Monthly income of the deceased	6000/-
Deduction for personal expenses	50%
Multiplier	18
Loss of dependency	Rs. 6,48,000/-
Loss of love and affection	Rs. 50,000/-
Funeral expenses	Rs. 25,000/-

The plea of the claimants is that Harjinder Pal was earning Rs.

10,000/- per month as he was working with Ideal Solution Private Limited, Ambala. They placed on record salary certificate Ex. P1 and authority letter Ex. P2 to substantiate their plea in this regard. In addition, they produced on record certificate of computer course Exs. P9 and certificates of National Small Industries Corporation Ex. P10 and P11. The Tribunal has rightly refused to rely upon documents Ex. P1 and P2 as Arvind Singh PW3 did not produce any document to prove employment and payment of salary to the deceased. Taking a clue from notification issued by the State of Haryana with regard to minimum wage at the relevant time coupled with the documents in respect of computer course etc, income of the deceased is assessed as a highly skilled person @ Rs. 6500/- per month. Claimants shall be entitle to addition in income @ 40%. Deduction for personal and living expenses and multiplier applied are correct and affirmed. In this manner, loss of dependency is calculated at Rs. 9,82,800/- $[6500 \times 12 \times 18 = 14,04,000 + 5,61,600 (40\%) = 19,65,600 - 9,82,800 (50\%)]$.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs. 30,000/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, detailed hereunder:-

Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 10,12,800/- and the additional amount is Rs. 2,89,800/- $(10,12,800 - 7,23,000)$, payable with interest @

7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

6.2.2019
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No