

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

FAO No. 524 of 2016(O&M)

Date of decision: 20.8.2019

ChhotiAppellant

VERSUS

Bashir and othersRespondents

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

Present: Mr. Baljinder Singh, Advocate for
Mr Ashish Gupta, Advocate for the appellant.

Mr. Punit Jain, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Gurgaon (in short 'the Tribunal') whereby compensation has been assessed on account of death of Umardin in a motor vehicular accident that took place on 09.12.2012.

The Tribunal has awarded compensation of Rs.5,44,340/- (rounded off to Rs.5,44,500/-) detailed hereunder:-

Monthly income of the deceased	Rs.3000/-
Addition in income for future prospects	50%
Deduction for personal expenses	50%
Multiplier	15
Loss of dependency	Rs.4,05,000/-

Expenses on funeral	Rs.25,000/-
Loss of love and affection	Rs.1,00,000/-
Medical expenses	Rs.14,340/-

The plea of claimant is that deceased was agriculturist and used to cultivate 10 bighas of land thereby earning Rs.10,000/- per month. The Tribunal has noticed that no documentary evidence has been produced 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 is assessed at Rs.5,000/- per month. Addition in income for future prospects would be 40%, in view of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.** Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. Accordingly, loss of dependency comes to Rs.6,30,000/- [Rs.9,00,000/- (Rs.5000 x 12 x 15) + Rs.3,60,000/- (40% addition towards future prospects) – Rs.6,30,000/- (50% deduction towards personal expenses)]. Medical reimbursement to the tune of Rs.14,340/- is affirmed.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimant shall be entitle to Rs.30,000/- detailed hereunder:–

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

In view of the above, total compensation is Rs.6,74,340/- and additional compensation is Rs.1,29,840/- (Rs.6,74,340/- - Rs.5,44,500/-) payable with interest at the rate of 7.5% per annum from the date of

petition till realisation, to be invested in a fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

AUGUST 20, 2019		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no