IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 5291 of 2016(O&M)

Date of decision: 11.2.2019

Balbir Kaur …..Appellant

VERSUS

Kuldeep Singh and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Raja Bahadur S. Jain, Advocate for the appellant.

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REKHA MITTAL, J. (Oral)

Mr. Amit Kundra, Advocate, has caused appearance on behalf of respondent No.3.

The claimant is in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, S.A.S. Nagar (Mohali) (in short 'the Tribunal') on account of death of Prem Singh in a motor vehicular accident that took place on 17.04.2007.

The Tribunal has awarded compensation of Rs.1,45,000/- detailed hereunder:-

Monthly income of the deceased	Rs.5000/-
Deduction for personal expenses	50%
Multiplier	4
Loss of consortium	Rs.10,000/-
Expenses on funeral	Rs.10.000/-
Expenses on transportation of dead body	Rs.5000/-

The Tribunal, in para 11 of the award, has noticed that plea of the claimant is that Prem Singh (deceased) was working as a Civil Engineer (works) with M/s Avtar Singh Construction Co. Pvt. Ltd. Chandigarh and he was earning Rs.17,000/- per month. Salary certificate dated 04.05.2007 was marked as Ex.P3. However, the claimant did not examine a representative of aforesaid construction company to prove employment and salary of deceased and accordingly the Tribunal refused to rely upon the salary certificate Ex.P3. I do not find an error much less illegality in findings of the Tribunal rejecting salary certificate Ex.P3 for the purpose of computing loss of dependency. The Tribunal has assessed income of the deceased at Rs.5000/- per month of a person aged 72 years which was more than the minimum wage available at the relevant time. In the given circumstances, there is no justification for increase in income of the deceased assessed by the Tribunal. However, admissible deduction for personal expenses would be 1/3rd. In this context reference can be made to judgment of this Court **Pawan Kumar and others Vs. Ramesh Kumar and others, 2016(1) Law Herald 758**.

Similarly, appropriate multiplier for assessing loss of dependency is 5. In this manner, loss of dependency comes to Rs.2,00,000/- [Rs.3,00,000/- (Rs.5000 x 12 x 5) – Rs.1,00,000/- (1/3rd deduction towards personal expenses)].

Under conventional heads, appellants shall be entitle to Rs.70,000/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270** and **Sebastiani Lakra and others Vs. National Insurance Co. Ltd. and another, AIR 2018 SC 5034,** 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 comes to Rs.2,70,000/- and the additional amount is Rs.1,25,000/- (Rs.2,70,000/- - Rs.1,45,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

FEBRUARY 11, 2019 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**
Whether speaking/reasoned : yes/no
Whether reportable : yes/no