

In the High Court of Punjab and Haryana at Chandigarh

FAO- 5495 of 2016
Date of Decision: 9.4.2019

Bhim Singh and others

---Appellants

versus

Priyanka and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Atul Yadav, Advocate
for the appellants

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Meer Singh aged 72 years in a motor vehicular accident that took place on 15.8.2015.

The Motor Accidents Claims Tribunal, Gurgaon (in short “the Tribunal”) awarded Rs.4,29,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 8100/-
Deduction for personal expenses	1/3 rd
Multiplier	5
Loss of dependency	Rs. 3,22,000/-
Funeral expenses	Rs. 25,000/-
Medical expenses	Rs. 80,000/-

The first submission made by counsel for the appellants is that the Tribunal has not allowed loss of consortium to widow of the deceased. In addition, it is argued that income of the deceased assessed by the Tribunal is on lower side as the deceased was 'raj mistri' by profession.

The Tribunal has assessed age of the deceased as 72 years and there is no challenge to the same. Counsel has not disputed that there is no evidence on record that the deceased was working as 'raj mistri'. The minimum wage of a casual labour at the relevant time was less than Rs. 6000/- per month. It appears that the Tribunal has assessed income of the deceased on the basis of Deputy Commissioner's rate meant for payment of wages to employees out of contingency fund of the State. At best, claimants can be allowed an additional sum of Rs. 40,000/- for loss of consortium. However, in case income of the deceased is assessed correctly in view of minimum wage coupled with age of the deceased, the net result would be reduction in compensation viz-a-viz the one allowed by the Tribunal. In the given circumstances, I do not find any reason to interfere in assessment of compensation made by the Tribunal.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

9.4.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No