

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

251

FAO-5887-2016 (O&M)

Date of decision: 11.02.2019

ANITA & ANR

... Appellants

Versus

INDERJEET & ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rohit Rana, Advocate for the appellants.
Mr. Subhash Goyal, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Deepak Sharma in a motor vehicular accident that took place on 05.05.2015.

The Tribunal has awarded compensation of Rs.7,60,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.9400/-
2. Multiplier	13
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.7,33,200/-
5. Expenses on funeral	Rs.25,000/-

The Tribunal has assessed income of the deceased at Rs.9400/- per month in view of discussion made in para 25 of the award. It has been held that as per norms set up by the State of Haryana, wages of an unskilled worker w.e.f. 01.03.2015 to 29.02.2016 has been assessed at Rs.9400/- per month. When the case is examined in the light of notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.6000/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. However, on the basis of age of the deceased, admissible multiplier is 18. In this context,

reference can be made to judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. In this manner, loss of dependency is calculated at Rs.9,07,200/- [(6000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

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

1. Expenses on last rites	Rs.15,000/-
2. Loss of estate	Rs.15,000/-

Total compensation is Rs.9,37,200/- and the additional amount is Rs.1,77,200/- (9,37,200 – 7,60,000), 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 two years.

The appeal is partly allowed in the aforesaid terms.

11.02.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No