

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

227

FAO-6001-2016 (O&M)

Date of decision: 01.05.2019

SUMAN AND ORS

... Appellants

Versus

KULDEEP KUMAR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.
 Ms. Mriganki Nagpal, Advocate for
 Mr. Suman Jain, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Dharampal in a motor vehicular accident that took place on 10.08.2014.

The Tribunal awarded Rs.14,47,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.7200/-
2. Multiplier	15
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.9,72,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of estate and love & affection to parents	Rs.50,000/-
7. Loss of care and guidance to minor	Rs.3,00,000/-
8. Loss of consortium	Rs.1,00,000/-

The plea of claimants is that deceased was working in Best Roadways Ltd. thereby earning Rs.20,000/- per month. The Tribunal, in para 15 of the award, has noticed that claimants examined Rakesh Kumar, Manager, Best Roadways Ltd. PW4 but he had not brought any record to prove that deceased was making approximately three trips to different places and earning Rs.20,000/- per month. The Tribunal assessed his income by treating him as unskilled labourer. However, the Tribunal has not rejected testimony of Rakesh Kumar with regard to the deceased being employe with Best Roadways Ltd. Taking a clue from notification issued by the State of Haryana fixing minimum wage coupled with the observations aforesaid, income of the deceased assessed by the Tribunal is affirmed. Claimants shall be entitle to addition in income for future prospects @ 40%.

The application for compensation has been filed by the widow,

three minor children and parents of deceased Dharampal. The Tribunal has rightly deducted 1/4th for personal and living expenses of deceased. The deceased was slightly more than 36 years old at the time of occurrence and accordingly, the Tribunal has rightly applied multiplier of 15. In this manner, loss of dependency is calculated at Rs.13,60,800/- [(7200 x 12 x 15) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.14,30,800/-. Compensation assessed by the Tribunal is slightly more than what is admissible to the claimants and accordingly, compensation allowed by the Tribunal is kept intact.

For the foregoing reasons, the appeal stands disposed of.

01.05.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No