

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

234

FAO-6032-2016 (O&M)

Date of decision: 13.09.2019

BHATERI AND ANR

... Appellants

Versus

SATISH KUMAR AND ORS

... Respondents

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

Present : Ms. Simranjeet Kaur, Advocate for  
Mr. Kulvir Narwal, Advocate for the appellants.  
None for respondent No.3.

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**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation on account of death of Anil Kumar in a motor vehicular accident that took place on 03.04.2015.

The Tribunal awarded Rs.14,21,000/-, detailed hereunder:-

|                                 |                   |
|---------------------------------|-------------------|
| Monthly income of the deceased  | Rs.8000/-         |
| Multiplier                      | 18                |
| Deduction for personal expenses | 1/4 <sup>th</sup> |
| Loss of dependency              | Rs.12,96,000/-    |
| Expenses on funeral             | Rs.25,000/-       |
| Loss of consortium              | Rs.1,00,000/-     |

However, the claimants have been paid Rs.10,65,750/- as 25% negligence has been attributed to the deceased.

The plea of claimants is that deceased was driver by profession and earning Rs.15,000/- per month. They examined Gopi Chand PW3 to prove avocation and income of the deceased. But Gopi Chand did not produce any documentary evidence with regard to employment or salary of the deceased. As per Gopi Chand, deceased was paid Rs.12,000/- per month which is contrary to stand taken by the claimants. The claimants have not produced on record driving licence possessed by the deceased. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time coupled with educational qualification of the deceased in view of Secondary School Examination certificate, there is no scope for allowing additional benefit qua monthly loss of dependency. However, claimants shall be entitle to addition in income for future prospects @ 40%.

Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.18,14,400/- [(8000 x 12 x 18) + (40% future prospects) – (1/4<sup>th</sup> 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.18,84,400/-. Claimants shall be entitle to 75% thereof i.e. Rs.14,13,300/-. In this manner, additional compensation is Rs.3,47,550/- (14,13,300 – 10,65,750). The additional compensation shall be payable with interest @ 7.5% per annum from the date of petition till realization to minor claimants Gagan and Lakshay in equal proportion, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

13.09.2019

ashok

**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No