

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

-.-

FAO 6232 of 2016 (O&M)

Date of decision: 08.04.2019

Poonam Devi Pandey and others

.....Appellants

Versus

Gurdeep Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. U K Agnihotri, Advocate
for the appellants

-.-

Rekha Mittal, J. (Oral)

Mr. Amit Jaiswal, Advocate has caused appearance on behalf
of the insurance Company.

The claimants are in appeal seeking enhancement of
compensation on account of death of Santosh Kumar Pandey in a motor
vehicular accident that took place on 10.07.2015.

The Tribunal (MACT,Barnala) has awarded Rs.20,45,000/-,
detailed hereunder:-

-Monthly income of the deceased	Rs.15,000/-
-Deduction for personal expenses	1/3rd
-Multiplier	16
-Loss of dependency	Rs.19,20,000/-
-Funeral expenses	Rs.25,000/-
-Loss of consortium	Rs.1,00,000/-

The plea of claimants is that the deceased was working as
Machine Operator with Trident Group of Industries, Dhaula, Barnala at

salary of Rs.15,000/- per month. Pardeep Sharma, Chief Welfare Officer, Trident Unit, Dhaula (PW3) produced salary record of the deceased and deposed that he was working as Operator/Trident Weave Preparator at monthly salary of Rs.15,000.00 and was also entitled to get production incentive to the tune of Rs.10,000/- per month on achieving target fixed by the Company. He also produced copy of Target Cost to Company compensation structure Ex.P1.

Counsel for the appellants, in response to a query is not in a position to point out any material on record that the deceased was ever paid production incentive by the employer. In the given scenario, the Tribunal has rightly assessed his income at Rs.15,000.00 per month. The claimants shall be entitle to increase in income for future prospects @ 40%. Deduction for personal and living expenses and multiplier applied by the Tribunal are correct and affirmed. As such, loss of dependency comes to Rs.26,88,000/- (Rs.28,80,000/- i.e. $15000 \times 12 \times 16$ + Rs.11,52,000/- (40% addition) – Rs.13,44,000/- (1/3rd deduction))

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitle to Rs.70,000.00 (Rs.40,000/- for loss of consortium and Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270*** and ***Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034***.

Total compensation is Rs.27,58,000/- and additional amount is Rs.7,13,000/- payable with interest @ 7.5% per annum from the date of petition till realization to minor daughters of the deceased in equal ratio, to

be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later. Interest accruing on fixed deposit shall be payable to their mother for meeting their expenses.

For the aforesaid reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

08.04.2019
Mohan Bimbra

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No