

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

207

FAO No.9266 of 2014 (O&M)

Date of decision: 11.04.2019

NIRMALA AND ANR

... Appellants

Versus

MANAGING DIRECTOR, PUNJAB STATE BUS STAND
MANAGEMENT UNIT LTD. AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Neeraj Khanna, Advocate for the appellants.

Mr. DS Sukharchakia, DAG, Punjab.

REKHA MITTAL, J. (Oral)

CM No.25754-CII of 2014

Heard.

Allowed as prayed for. Delay of 42 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Rekha in a motor vehicular accident that took place on 08.12.2010.

The Tribunal has awarded Rs.2,44,500, detailed hereunder:-

1. Notional income of the deceased	Rs.15,000/- per annum
2. Multiplier	16
3. Loss of dependency	Rs.2,40,000/-
4. Expenses on funeral	Rs.2000/-
5. Loss of estate	Rs.2500/-

Counsel for the appellants would argue that deceased was approximately 20 years old and she was a student of BA, therefore, notional income may be assessed accordingly.

Counsel for the respondents has supported assessment of

compensation by the Tribunal.

The application for compensation was filed under Section 163-A of the Motor Vehicles Act, 1988. The deceased was born 10.01.1991 and unfortunately died in December, 2010 and as such, she was approximately 20 years of age at the time of occurrence. The claimants placed on record secondary examination certificate Ex.P13. In the circumstances, monthly income of the deceased is assessed at Rs.3000/-. The Tribunal has applied multiplier of 16 and the same is affirmed. However, deduction for personal expenses would be 1/3rd. In this manner, loss of dependency is calculated at Rs.3,84,000/- [(3000 x 12 x 16) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is correct and affirmed.

In view of the above, total compensation is Rs.3,88,500/- and the additional compensation is Rs.1,44,000/- (3,88,500 - 2,44,500) payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

11.04.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No