

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

242

FAO-7552-2016 (O&M)

Date of decision: 14.03.2019

BIRA @ RAJU

... Appellant

Versus

HARWINDER SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Jatinder Pal Singh, Advocate
for the appellant.
Mr. Neeraj Khanna, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Ajay Kumar in a motor vehicular accident that took place on 05.01.2016.

The Tribunal has awarded Rs.7,73,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	18
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.6,48,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of love and affection	Rs.1,00,000/-

The plea of claimant is that the deceased was working as plumber and earning Rs.25,000/- per month. The claimant examined Tarsem Lal to corroborate his version in this regard. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.7000/- per month. Claimant 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.10,58,400/- [(7000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, claimant 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.10,88,400/- and the additional amount is Rs.3,15,400/- (10,88,400 - 7,73,000), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

14.03.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No