

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

-.-

FAO 1718 of 2017

Date of decision: 17.07.2019

Simarjeet Kaur and others

.....Appellants

Versus

Kanwar Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Gaurav Aggarwal, Advocate
for the appellants

Mr. Pradeep Kumar, Advocate
for the respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Gurlal Singh in a motor vehicular accident that took place on 02.08.2015.

The Tribunal awarded Rs.13,17,810/-, detailed hereunder:-

-Monthly income of the deceased	Rs.8,505/-
-Deduction for personal expenses	1/3rd
-Multiplier	18
-Loss of dependency	Rs.12,24,720/-
-Pain and suffering, loss of consortium, love and affection	Rs.25,000/-
-Funeral expenses	Rs.10,000/-
-Medical reimbursement	Rs.58,090/-

The plea of claimants is that deceased was earning Rs.20,000.00 per month from agricultural pursuits and personal skills. The Tribunal, in para 23 of the award, has noticed that claimants have not produced any document in respect of agricultural land cultivated by the deceased nor with regard to sale of produce. However, the Tribunal assessed income of deceased on the basis of Deputy Commissioner's rates, meant for payment of salary to employees out of contingency fund created by the State Government. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, income of deceased is assessed at Rs.6,000/- per month. The claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses and multiplier applied are correct and affirmed. As such, loss of dependency is calculated at Rs.12,09,600/- (Rs.12,96,000/- *i.e.* 6,000 x 12 x 18 + Rs.5,18,400/- (40% addition) – Rs.6,04,800 (1/3rd deduction). Reimbursement of medical expenses to the tune of Rs.58,090/- allowed by the Tribunal is correct and affirmed.

Under conventional heads, compensation allowed is modified to the effect that the claimants shall be entitle to Rs.70,000/- (Rs.40,000.00 for loss of consortium, 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.13,37,690/- and additional amount is Rs.19,880/- (Rs.13,37,690 – Rs.13,17,810), payable with interest @ 7.5%

per annum from the date of petition till realization, to be shared by the widow and mother of the deceased in equal ratio.

In view of what has been discussed hereinbefore, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

17.07.2019
Mohan Bimbra

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