

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

FAO No. 7662 of 2016(O&M)

Date of decision: 19.9.2019

Sunita Devi and others

.....Appellants

VERSUS

Amit and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajesh Malik, Advocate for the appellants.

Mr. S.K. Arora, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Rohtak (in short 'the Tribunal') on account of death of Rajbir Singh in a motor vehicular accident that took place on 14.8.2015.

The Tribunal has awarded Rs.10,70,000/- detailed hereunder:-

Monthly income of the deceased	Rs.7500/-
Deduction for personal expenses	1/4 th
Multiplier	14
Loss of dependency	Rs.9,45,000/-
Loss of consortium to the widow	Rs.1,00,000/-
Funeral expenses	Rs.25000/-

The plea of claimants is that deceased was working as Turner in a workshop situated in village Israna at salary of Rs.12,000/- per month.

They examined Anil Kumar, proprietor, Anil Welding Works to substantiate their plea in this regard. Anil Kumar produced one certificate Ex.P5 with regard to employment and income of the deceased. The claimants did not produce any document that deceased had done any diploma or taken any training to work as a Turner. Anil Kumar did not produce any documentary evidence to prove employment and income of the deceased. Taking a clue from the notification issued by the State of Haryana fixing minimum wage at the relevant time, I do not find any reason to interfere in assessment of income made by the Tribunal. However, claimants shall be entitle to addition in income for future prospects at the rate of 25%. Deduction for personal expenses and multiplier allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency comes to Rs.11,81,250/- [Rs.12,60,000/- (Rs.7500 x 12 x 14) + Rs.3,15,000/- (25% towards future prospects) – Rs.3,93,750/- (1/4th deduction towards personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitled to Rs.70,000/- detailed hereunder:-

Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Loss to estate	Rs.15,000/-

In view of the above, total compensation is Rs.12,51,250/- and additional amount is Rs.1,81,250/- (Rs.12,51,250/- - Rs.10,70,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to widow of the deceased to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 19, 2019		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no