

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

246

FAO-1751-2017 (O&M)

Date of decision: 09.07.2019

HARCHARAN SINGH DECEASED THR LRS

... Appellants

Versus

GURSEWAK SINGH & ORS

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Dhruv Gupta, Advocate for the appellants.  
Mr. Vinod Gupta, Advocate for the insurance company.

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**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation awarded by the Tribunal with regard to injuries sustained by Harcharan Singh who later succumbed to the injuries sustained in the accident.

The Tribunal awarded Rs.7,37,000/-, detailed hereunder:-

|                                      |                   |
|--------------------------------------|-------------------|
| 1. Monthly income of the deceased    | Rs.4000/-         |
| 2. Multiplier                        | 7                 |
| 3. Deduction for personal expenses   | 1/4 <sup>th</sup> |
| 4. Loss of dependency                | Rs.2,52,000/-     |
| 5. Expenses on funeral               | Rs.25,000/-       |
| 6. Loss of consortium                | Rs.1,00,000/-     |
| 7. Reimbursement of medical expenses | Rs.3,60,000/-     |

The Tribunal has assessed income of the deceased by treating him as an unskilled labour. The plea of claimants is that deceased was working at multi storey parking in Mini Secretariat, Ludhiana and used to earn Rs.10,000/- per month. However, the claimants did not produce any documentary evidence if the deceased was given any contract to manage parking in the Mini Secretariat, Ludhiana. Taking a clue from notification issued by the State of Punjab fixing minimum wage coupled with age of the deceased, income of the deceased is assessed at Rs.6500/- per month. The legal heirs of the deceased are the widow, one son and married daughters of the deceased. The married daughters shall not be entitle to compensation unless they are proved to be dependent upon their father. In the given scenario, admissible deduction for personal expenses would be 1/3<sup>rd</sup>.

Multiplier applied by the Tribunal is correct and affirmed. In this manner,

loss of dependency is calculated at Rs.3,64,000/-  $[(6500 \times 12 \times 7) - (1/3^{\text{rd}}$  deduction for personal expenses)].

Reimbursement of medical expenses to the tune of Rs.3,60,000/- allowed by the Tribunal is affirmed.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that widow and son of the deceased shall be entitle to Rs.70,000/-, detailed hereunder:-

|                       |             |
|-----------------------|-------------|
| 1. Loss of consortium | Rs.40,000/- |
| 2. Loss of estate     | Rs.15,000/- |
| 3. Funeral expenses   | Rs.15,000/- |

Total compensation is Rs.7,94,000/- and the additional amount is Rs.57,000/- (7,94,000 - 7,37,000), payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

09.07.2019

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Whether speaking/reasoned:  
Whether reportable:

**(REKHA MITTAL)**  
**JUDGE**

Yes / No  
Yes / No