IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

242 FAO-8057-2016 (O&M)

Date of decision: 07.11.2019

ANNU & ORS ... Appellants

Versus

SUBH RAM & ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Chand Ram Olla, Advocate for the appellants.
None for the insurance company.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Arun Kumar @ Arun in a motor vehicular accident that took place on 02.10.2012.

The Tribunal awarded Rs.11,76,280/-, detailed hereunder:-

Monthly income of the deceased	Rs.8000/-
Multiplier	18
Deduction for personal expenses	1/3rd
Loss of dependency	Rs.11,51,280/-
Expenses on funeral	Rs.25,000/-

The Tribunal assessed income of the deceased at Rs.8000/- per month by treating him as casual labour. The plea of claimants is that deceased was working at HSRDC Toll Point No.2 but they failed to adduce any evidence to prove employment and income of the deceased, as claimed. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.5200/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier applied by the Tribunal is correct and affirmed.

The application for compensation has been filed by the widow, two minor children and parents of the deceased. In the given circumstances, admissible deduction for personal expenses would be 1/4th. In this manner, loss of dependency is calculated at Rs.11,79,360/- [(5200 x 12 x 18) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed is modified to the effect that claimants 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.12,49,360/- and additional amount is Rs.73,080/- (12,49,360 - 11,76,280), payable with interest @ 7.5% per annum from the date of petition till realization, to minor Harsh and Jatin in equal ratio, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later. Interest accruing on FDR shall be payable to mother of the minors for meeting expenses on their education and living.

The appeal is partly allowed in the aforesaid terms.

07.11.2019
ashok

(REKHA MITTAL)
JUDGE

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