

In the High Court of Punjab and Haryana at Chandigarh

FAO- 8119 of 2016 (O&M)
Date of Decision: 24.10.2019

Brijpal and another

---Appellants

versus

Ved Parkash and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Palak Jain, Advocate
for Mr. Neeraj Yadav, Advocate
for the appellants

Mr. Rajbir Singh, Advocate,
for the insurance company

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Avinash in a motor vehicular accident that took place on 11.9.2014.

The Motor Accidents Claims Tribunal, Rewari (in short “the Tribunal”) awarded Rs.5,81,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 3000/-
Addition in income for future prospects	50%
Deduction for personal expenses	50%
Multiplier	18
Loss of dependency	Rs. 4,86,000/-
Pain and sufferings	Rs. 20,000/-
Last rites and misc, expenses	Rs. 25,000/-
Loss of love and affection	Rs. 50000/- (Rs. 25,000/- each)

The plea of claimants is that deceased was 19 years of age and

doing labour work by lifting garbage. However, as per post mortem report, he was 17 years old. There is no clear evidence on record with regard to avocation and income of deceased. 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. 5700/- per month. Addition in income for future prospects is 40%. Deduction for personal expenses and multiplier applied are correct and affirmed. In this manner, loss of dependency is calculated at Rs. 8,61,840/-[5700 x 12 x18 + (40% thereof)- (50%)].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs. 30,000/-, detailed hereunder:-

Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 8,91,840/- and the additional amount is Rs. 3,10,840/-, payable with interest @ 7.5% per annum from the date of petition till realization to mother of the deceased, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

24.10.2019.

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No