

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

FAO No. 4433 of 2017(O&M)

Date of decision: 5.7.2019

Parvesh Kumari and anotherAppellants

VERSUS

Ram Kumar and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: None for the appellants.

Mr. Rajesh K. Sharma, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Yamunanagar at Jagadhri (in short 'the Tribunal') on account of death of Rakesh Kumar in a motor vehicular accident that took place on 28.07.2014.

The Tribunal awarded compensation of Rs.8,97,072/- detailed hereunder:-

Monthly income of the deceased	Rs.5677/-
Deduction for personal expenses	1/3 rd
Multiplier	17
Loss of dependency	Rs.7,72,072/-
Loss of consortium to the widow	Rs.1,00,000/-
Funeral expenses	Rs.25,000/-

The plea of the claimants is that the deceased was fruits and vegetable seller and earning Rs.25,000/- per month. The Tribunal has noted that there is no evidence on record to substantiate this plea. Taking a clue from the minimum wage available at the relevant time, income of the deceased is assessed at Rs.5700/- per month. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. Claimants shall be entitle to addition in income for future prospects at the rate of 40%. In this manner, loss of dependency comes to Rs.10,85,280/- [Rs.11,62,800/- (Rs.5700 x 12 x 17) + Rs. 4,65,120/- (40% addition towards future prospects) – Rs.5,42,640/- (1/3rd deduction towards personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that the claimants shall be entitle 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.11,55,280/- and the additional amount is Rs.2,58,208/- (Rs.11,55,280/- - Rs.8,97,072/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to Udaiveer, minor son of the deceased, to be invested in fixed deposit by the Tribunal till he attains majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

JULY 5, 2019		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no