

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

244

FAO-468-2017 (O&M)

Date of decision: 18.07.2019

ANITA AND ORS

... Appellants

Versus

HARDIP AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. SK Biriwal, Advocate for
Mr. Pawan K. Sharma, Advocate for the appellants.

Mr. Shashi K. Yadav, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Karam Chand in a motor vehicular accident that took place on 25.09.2014.

The Tribunal awarded Rs.14,88,600/-, detailed hereunder:-

Monthly income of the deceased	Rs.5200/-
Addition in income for future prospects	50%
Multiplier	18
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.12,63,600/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-
Loss of love and affection	Rs.1,00,000/-

The plea of claimants is that the deceased was construction contractor but the Tribunal has noticed that claimants failed to adduce sufficient evidence to substantiate their plea in this regard. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.6700/- per month. Claimants shall be entitle to addition in income for future prospects @ 40% as against 50% allowed by the Tribunal. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.15,19,560/- [(6700 x 12 x 18) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal 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.15,89,560/- and the additional amount is Rs.1,00,960/- (15,89,560 - 14,88,600), payable with interest @ 7.5% per annum from the date of petition till realization, to minor claimants Khawashish and Sanskriti in equal ratio, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later

The appeal is partly allowed in the aforesaid terms.

18.07.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No