

FAO- 5674 of 2017 (O&M)
Date of Decision: 6.9.2019

Debo Rani and others

---Appellants

versus

Mohit Kamboj and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Vishva Nath Sharma, Advocate
for the appellants

Rekha Mittal, J.

Insurance company has been served but remains unrepresented.

The claimants are in appeal seeking enhancement of compensation on account of death of Dalip Kumar @ Sonu in a motor vehicular accident that took place on 30.9.2015.

The Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri (in short “the Tribunal”) awarded Rs.7,23,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 6000/-
Deduction for personal expenses	50%
Multiplier	18
Loss of dependency	Rs. 6,48,000/-
Loss of love and affection for claimants No. 1 and 2	Rs. 50,000/-
Funeral expenses	Rs. 25,000/-

Plea of the claimants is that deceased was working as car painter and thereby earning Rs. 15,000/- per month. They examined Ved Parkash PW4, employer of deceased to prove avocation and income of

deceased. However, Ved Parkash did not produce any documentary evidence with regard to his own income or salary paid to the deceased. However, the Tribunal has not rejected plea of the claimants that deceased was a car painter. 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. 6500/- per month. Claimants are entitle to increase in income for future prospects @ 40%. Deduction for personal and living expenses and multiplier allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs. 9,82,800/- $[6500 \times 12 \times 18 = 14,04,000 + 5,61,600 (40\%) = 19,65,600 - 9,82,800(\frac{1}{2})]$.

Under conventional heads, compensation allowed by the Tribunal 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. 10,12,800/- and the additional amount is Rs. 2,89,800/- $(10,12,800 - 7,23,000)$, 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

6.9.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No