

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

-.-

FAO 5927 of 2017 (O&M)

Date of decision: 20.09.2019

Poonam Devi and others

.....Appellants

Versus

Harpal Singh and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Shaurya Punj, Advocate
for the appellants

Mr. Rahul Pathania, Advocate
for respondent No. 2

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Tinchu in a motor vehicular accident that took place on 27.03.2016.

The Tribunal awarded Rs.9,79,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.6,000/-
-Deduction for personal expenses	1/3 rd
-Multiplier	18
-Loss of dependency	Rs.8,64,000/-
-Loss of consortium	Rs.30,000/-
-Loss of love and affection	Rs.60,000/- (Rs.20,000/- each to claimants 1 to 3)
-Funeral expenses	Rs.25,000/-

The plea of claimants is that deceased was a Painter and POP contractor thereby earning Rs.25,000/- per month. However, the claimants failed to adduce sufficient much less cogent evidence to prove avocation

and income of deceased.

Taking a clue from notification issued by the State of Punjab fixing minimum wage, income of deceased is assessed at Rs.7,500/- per month. The claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. As such, loss of dependency is Rs.15,12,000/- (Rs.16,20,000/- *i.e.* 7,500 x 12 x 18 + Rs.6,48,000/- (40% addition in income) – Rs.7,56,000/- (1/3rd deduction).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000.00 (Rs.40,000.00 for loss of consortium, Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034*.

In view of the above, total compensation is Rs.15,82,000/- and additional amount is Rs.6,03,000/- (Rs.15,82,000 – Rs.9,79,000), payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by claimants No. 1 and 2 in equal portion, to be invested in fixed deposit for a period of three years.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

20.09.2019
Mohan Bimbura

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