IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237 FAO-6621-2017 (O&M)

Date of decision: 16.10.2019

RAJ BALA AND ORS ... Appellants

Versus

DHAN SINGH & ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.
Mr. Radhey S. Sharma, Advocate for the insurance company.
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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sanjay Kumar, in a motor vehicular accident that took place on 03.11.2014.

The Tribunal awarded Rs.8,85,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Multiplier	15
Deduction for personal expenses	1/4th
Loss of dependency	Rs.8,10,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.25,000/-
Loss of love and affection	Rs.25,000/-

The plea of claimants is that deceased was an agriculturist and doing dairy farming thereby earning Rs.15,000/- per month. However, they failed to produce any cogent evidence with regard to avocation much less income of the deceased. When the case is examined in the light of notification issued by the State of Haryana fixing minimum wage, there is no scope for enhancement of income of the deceased. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed and so also the multiplier applied. In this manner, loss of dependency is calculated at Rs.11,34,000/- [(6000 x 12 x 15) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation awarded 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.12,04,000/- and additional amount is Rs.3,19,000/- (12,04,000 - 8,85,000), payable with interest @ 7.5% per annum from the date of petition till realization, to claimants No.1 to 3 in equal ratio. The amount falling to share of claimants Neha and Sumit Kumar shall be invested in fixed deposit till they attain majority or a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

16.10.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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