

In the High Court of Punjab and Haryana at Chandigarh**FAO-754 of 2017(O&M)
Date of Decision: 17.7.2019****Nikki alias Nickey and others****---Appellants****versus****Sonu alias Sonu Ram and others****---Respondents****Coram: Hon'ble Mrs. Justice Rekha Mittal****Present: Mr. M.S.Punia, Advocate
for the appellants****Ms. Sheenu Sura, Advocate,
for the insurance company***********Rekha Mittal, J.**

The claimants are in appeal seeking enhancement of compensation on account of death of Satish Kumar in a motor vehicular accident that took place on 18.11.2014.

The Motor Accidents Claims Tribunal, Karnal (in short “the Tribunal”) awarded Rs. 8,57,772/- (rounded off to Rs. 8,58,000/-), detailed hereunder:-

Monthly income of the deceased	Rs. 5800/-
Deduction for personal expenses	1/3 rd
Multiplier	18
Loss of dependency	Rs. 8,35,272/-
Loss of consortium	Rs. 1,00,000/-
Loss of love and affection as well as care and guidance	Rs. 1,00,000/-

Funeral expenses

Rs.25,000/-

The plea of claimants is that deceased was running general store in the village thereby earning Rs. 20,000/- per month. Nikki, widow of deceased appeared in witness box and reiterated her version. Her testimony in this regard does not find corroboration from an independent source much less documentary evidence. When the case is examined in the light of notification issued by the State of Haryana fixing minimum wage at the relevant time, there is no scope for enhancement of income of deceased. The claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses applied by the Tribunal is correct and affirmed as father of deceased can not be held to be dependent in the absence of a special case being made out. Multiplier is correct and affirmed. In this manner, loss of dependency is calculated at **Rs. 11,69,280/-** $[5800 \times 12 \times 18 = 12,52,800 + 5,01,120 = 17,53,920 - 5,84,640 (1/3^{\text{rd}})]$.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs. 70,000/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, detailed hereunder:-

Loss of consortium

Rs. 40,000/-

Expenses on funeral

Rs. 15,000/-

Loss of estate

Rs. 15,000/-

Total compensation is **Rs. 12,39,280/-** and additional amount is **Rs. 3,81,280/-** (12,39,280 - 8,58,000), payable with interest @ 7.5% per

annum from the date of petition till realization to minor son of deceased, to be invested in fixed deposit which shall not be paid until he attains majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

17.7.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No