

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

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FAO-7710-2017 (O&M)

Date of decision: 28.11.2019

WALI MOHAMMAD AND ANR

.. Appellants

Versus

SAMUDEEN AND ORS

.. Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Sona Kaur, Advocate for
Mr. Ashish Gupta, Advocate for the appellants.
Mr. Rahul Pathania, Advocate for
Mr. Arjun Atri, Advocate for respondent No.1.
Ms. Charu Sharma, Advocate for
Mr. MK Garg, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Basruddin in a motor vehicular accident that took place on 16.08.2016.

The Tribunal awarded Rs.6,53,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.8000/-
Multiplier	11
Deduction for personal expenses	50%
Loss of dependency	Rs.5,28,000/-
Expenses on funeral	Rs.25,000/-
Loss of love and affection to father	Rs.1,00,000/-

The plea of claimants is that deceased was a motor mechanic thereby earning Rs.15,000/- per month. The Tribunal, in para 15 of the award, has held that from statement of PW2, it can be gathered that deceased was a student of 11th class and his fee was paid by his father. 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 the deceased. However, Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. The deceased was 18 years old and as such, admissible multiplier is 18. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp. & Anr, 2009 (3) RCR (Civil) 77,**

Munna Lal Jain and anr. Vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270. In view of the above, loss of dependency is calculated at Rs.12,09,600/- [(8000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, appellants shall be entitle to Rs.30,000/-, detailed hereunder:-

- | | |
|---------------------------|-------------|
| 1. Expenses on last rites | Rs.15,000/- |
| 2. Loss of estate | Rs.15,000/- |

Total compensation is Rs.12,39,600/- and additional amount is Rs.5,86,600/- (12,39,600 - 6,53,000), 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 three years.

The appeal is partly allowed in the aforesaid terms.

28.11.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No