IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

248 FAO-7907-2017 (O&M)

Date of decision: 19.07.2019

BEANT KAUR AND ORS ... Appellants

Versus

PARAMJIT SINGH AND ANR ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Karan Gupta, Advocate for the appellants.
Mr. Sunil Kumar, 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 Nirmal Singh in a motor vehicular accident that took place on 07.10.2015.

The Tribunal awarded Rs.10,85,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.7500
Multiplier	16
Deduction for personal expenses	1/3rd
Loss of dependency	Rs.9,60,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-

The deceased was stated to be an agriculturist. The claimants produced jamabandi in respect of land holding less than 2 kilas. They have also produced J-forms Ex.C2 to C10, C12 to C28. Claimants have failed to adduce any tangible evidence with regard to cultivation of land more than what was owned by the deceased himself. Taking a clue from notification issued by the State of Punjab fixing minimum wage coupled with the deceased being owner of 2 kilas of land, income of the deceased assessed by the Tribunal needs no interference. However, claimants shall be entitle to addition in income for future prospects @ 40%. The admissible multiplier is 17. Deduction for personal expenses applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.14,28,000/- [(7500 x 12 x 17) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal 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.14,98,000/- and the additional amount is Rs.4,13,000/- (14,98,000 - 10,85,000), payable with interest @ 7.5% per annum from the date of petition till realization, to minor child of the deceased, to be invested in fixed deposit till he attains majority or for a period of three years, whichever is later. The interest accruing on FDR shall be payable to mother of the minor for meeting expenses on his education and living.

The appeal is partly allowed in the aforesaid terms.

19.07.2019

ashok

(REKHA MITTAL)
JUDGE

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