IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

261 FAO-8622-2017 (O&M)

Date of decision: 10.07.2019

SHEELA AND ORS ... Appellants

Versus

KARAMBIR AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. SN Pillania, Advocate for the appellants.
None 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 Naresh in a motor vehicular accident that took place on 17.11.2016.

The Tribunal awarded Rs.12,05,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.7500
Multiplier	16
Deduction for personal expenses	1/4th
Loss of dependency	Rs.10,80,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-

The Tribunal has assessed income of the deceased at Rs.7500/- per month by treating him as a skilled worker. The plea of claimants is that deceased was a blacksmith thereby earning Rs.15,000/- per month. The Tribunal has noticed in para 21 that photograph mark-A is not sufficient to prove that deceased was running a shop of blacksmith. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.8200/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.16,53,120/- [(8200 x 12 x 16) + (40% future prospects) – (1/4th 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.17,23,120/- and the additional amount is Rs.5,18,120/- (17,23,120 - 12,05,000), payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by minor claimants Master Ravi, Baby Anjali, Baby Anshika and Baby Himansi, in the ratio 15:20:25:40, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later. The interest accruing on FDRs shall be payable to mother of the minors for meeting expenses on their education and living.

The appeal is partly allowed in the aforesaid terms.

10.07.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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