

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

FAO No. 950 of 2017(O&M)

Date of decision: 9.9.2019

Maya Devi and another

.....Appellants

VERSUS

Rakesh Sharma and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vivek Suri, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

Mr. Ram Avtar, Advocate has caused appearance on behalf of insurance company.

Claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Patiala (in short 'the Tribunal') on account of death of Gurtej Singh in a motor vehicular accident that took place on 09.10.2015.

The Tribunal awarded Rs.9,35,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.7500/-
Deduction for personal expenses	50%
Multiplier	18
Loss of dependency	Rs.8,10,000/-
Funeral expenses	Rs.25000/-
Loss of love and affection	Rs.1,00,000/-

The plea of claimants is that deceased was working as Plumber. However, the Tribunal assessed his income at Rs.7500/- per month by taking him as a labourer. There is neither any corroborative oral nor documentary evidence to prove that deceased was working as a

Plumber or qua his income. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.7000/- per month. Claimants shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.10,58,400/- [Rs.15,12,000/- (Rs.7000 x 12 x 18) + Rs.6,04,800/- (40% addition towards future prospects) – Rs.10,58,400/- (50% deduction towards personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.30,000/- detailed hereunder:-

Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation is Rs.10,88,400/- and additional amount is Rs.1,53,400/- (Rs.10,88,400/- - Rs.9,35,000/-) payable with interest at the rate of 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.

SEPTEMBER 9, 2019

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no