

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

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FAO-6828-2018 (O&M)

Date of decision: 26.09.2019

ORIENTAL INSURANCE COMPANY LIMITED .. Appellant

Versus

NARESH KUMAR AND OTHERS .. Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashwani Talwar, Advocate for the appellant.
Mr. Tarun Yadav, Advocate for
Mr. Rao Nihal Singh, Advocate for respondent No.3.
Mr. Ajit Bhardwaj, AAG, Haryana.

REKHA MITTAL, J. (Oral)

CM No.14369-CII of 2019

Heard.

Application is allowed. Respondents No.4 and 5 are allowed to join the proceedings.

Main Case

Challenge in the present appeal has been directed against award dated 06.08.2018 passed by the Motor Accidents Claims Tribunal, Narnaul whereby compensation has been assessed on account of death of Suraj Bhan in a motor vehicular accident that took place on 15.05.2017.

Counsel for the appellant would inform that appeal has been filed to assail only quantum of compensation.

The Tribunal awarded Rs.2,55,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.8000/-
Multiplier	5
Deduction for personal expenses	50%
Loss of dependency	Rs.2,40,000/-
Expenses on funeral	Rs.15,000/-

The sole submission made by counsel for the insurance company is that income of the deceased assessed by the Tribunal is on higher side and needs reduction.

The plea of claimants is that deceased used to earn Rs.30,000/- per month. However, the Tribunal has noticed in para 15 of the award that evidence of PW1 Naresh Kumar regarding monthly income of deceased is

is not reliable. The claimants failed to adduce satisfactory evidence with regard to avocation much less income of the deceased. Taking a clue from notification issued by the State of Haryana fixing minimum wage coupled with age of the deceased, income of the deceased is assessed at Rs.7000/- per month. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.2,10,000/- $[(7000 \times 12 \times 5) - (50\% \text{ deduction for personal expenses})]$.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to additional amount of Rs.15,000/- towards loss of estate besides Rs.15,000/- for expenses on funeral.

Total compensation is Rs.2,40,000/- and compensation assessed by the Tribunal is slightly more than Rs.2,40,000/-. That being so, the award is kept intact.

Disposed of accordingly.

26.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No