

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

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Date of decision: 22.04.2019
FAO No.5134 of 2016 (O&M)

Haria Singh and another

... Appellants

Versus

Kalyan Singh and others

... Respondents

FAO No.7052 of 2016 (O&M)

Haria Singh and another

... Appellants

Versus

Kalyan Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Amandeep Singh, Advocate for the appellants.
Mr. Navin Kapoor, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.5134 and 7052 of 2016 as these have emerged out of the same accident that took place on 20.02.2015 in which Shindo and Sewa Singh @ Sewa Masih sustained injuries that proved fatal.

FAO No.5134 of 2016 has been filed for enhancement of compensation qua death of Shindo whereas the other appeal has been preferred for the same relief in regard to death of Sewa Singh @ Sewa Masih.

FAO No.5134 of 2016

The Tribunal awarded Rs.4,26,000/-, detailed hereunder:-

1. Monthly value of services of the deceased	Rs.3000/-
2. Multiplier	11
3. Loss of dependency	Rs.3,96,000/-
4. Expenses on funeral	Rs.25,000/-
5. Loss of estate	Rs.5000/-

The deceased was 55 years old at the time of unfortunate occurrence. Taking into consideration the minimum wage coupled with that a house-maker has multifarious duties to perform, value of services of the deceased is assessed at Rs.7000/- per month. No deduction for personal

expenses would be made in the light of Division Bench judgment of this Court **Paramjit Singh and another Vs. Dilbagh Singh @ Bagga and others, 2013(3) Law Herald 2730**. Multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.9,24,000/- (7000 x 12 x 11).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitle to Rs.15,000/- for funeral expenses.

Total compensation is Rs.9,39,000/- and the additional amount is Rs.5,13,000/- (9,39,000 - 4,26,000), payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by the claimants in equal ratio.

The appeal is partly allowed in the aforesaid terms.

FAO No.7052 of 2016

The Tribunal awarded Rs.3,90,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Multiplier	9
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.3,60,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of estate	Rs.5000/-

The deceased was in the age bracket of 56-60 years. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time coupled with age of the deceased, income of the deceased is assessed at Rs.6500/- per month. Claimants shall be entitle to addition in income for future prospects @ 10%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.5,14,800/- [(6500 x 12 x 9) + (10% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants 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.5,44,800/- and the additional amount is Rs.1,54,800/- (5,44,800 - 3,90,000), payable with interest @ 7.5% per

annum from the date of petition till realization, to be shared by the claimants in equal ratio.

The appeal is partly allowed in the aforesaid terms.

22.04.2019

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No