

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO No.6072 of 2016 (O&M)

Date of decision: 18.07.2019

AMARJIT KAUR AND ANR

.. Appellants

Versus

ANAND KUMAR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Gopal Sharma, Advocate for the appellants.
Mr. Puneet Pali, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.20555-CII of 2016

Heard.

Allowed as prayed for. Delay of 36 days in filing the appeal stands condoned.

CM No.20556-CII of 2016

Heard.

Dismissed as not pressed.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Rai Singh in a motor vehicular accident that took place on 20.08.2013.

The Tribunal awarded Rs.11,89,100/-, detailed hereunder:-

Monthly income of the deceased	Rs.8000/-
Multiplier	7
Deduction for personal expenses	50%
Loss of dependency	Rs.3,36,000/-
Expenses on funeral	Rs.25,000/-
Reimbursement of medical expenses	Rs.7,28,100/-
Loss of consortium	Rs.1,00,000/-

The plea of claimants is that deceased was an agriculturist and had been cultivating land owned by him as well as land taken on lease. Jamabandi for the year 2011-12 Ex.P-461 was produced on record in respect of ownership of land by the deceased. The claimants also examined a witness to prove that the deceased had taken his land on lease but his

testimony is not supported by any documentary evidence. They also placed on record J-forms Exs.P-451 to 460 to prove that deceased had income from agriculture. The minimum wage of unskilled labour at the relevant time was Rs.6000/-. Land left behind by the deceased would be available to his family. The deceased was more than 60 years of age at the time of death. Claimants shall be entitle to loss of value of managing skills of the deceased. In the given circumstances, income of the deceased assessed by the Tribunal is affirmed. However, admissible deduction for personal expenses would be 1/3rd. In this context, reference can be made to judgment of this Court **Balvir Kaur and others VS Surender alias Surinder Singh and others, FAO 8419 of 2015, decided on 27.03.2019**. The Tribunal has rightly applied multiplier of 7. In this manner, loss of dependency is calculated at Rs.4,48,000/- [(8000 x 12 x 7) – (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/-

A sum of Rs.7,28,100/- towards medical expenses allowed by the Tribunal is affirmed.

Total compensation is Rs.12,46,100/- and the additional amount is Rs.57,000/- (12,46,100 - 11,89,100), payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

18.07.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No