

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

228

FAO-7911-2016 (O&M)

Date of decision: 09.09.2019

MURTI AND ORS

... Appellants

Versus

ANIL KUMAR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ram Bilas Gupta, Advocate for the appellants.
Mr. DK Prajapati, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Kishan in a motor vehicular accident that took place on 28.06.2015.

The Tribunal awarded Rs.10,41,750/-, detailed hereunder:-

Monthly income of the deceased	Rs.5000/-
Addition in income for future prospects	50%
Multiplier	16
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.9,60,000/-
Expenses on funeral	Rs.25,000/-
Loss of estate	Rs.10,000/-
Loss of consortium	Rs.10,000/-
Loss of love and affection	Rs.10,000/-
Medicines and medical treatment	Rs.26,750/-

The plea of claimants is that deceased was an agriculturist and also selling milk. They could not produce any cogent evidence to substantiate their plea with regard to avocation or income of the deceased. 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.5850/- 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.10,48,320/- [(5850 x 12 x 16) + (40% future prospects) – (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/-

The sum of Rs.26,750/- for medicines and medical treatment allowed by the Tribunal is affirmed.

Total compensation is Rs.11,45,070/- and additional amount is Rs.1,03,320/- (11,45,070 - 10,41,750) payable with interest @ 7.5% per annum from the date of petition till realization to minor children of the deceased, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

09.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No