IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO No. 644 of 2001
Date of decision: 04.02.2020

State of Haryana and another ....*Appellants*

Versus

Smt. Rajo and others ....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. R.K.S.Brar, Additional A.G. Haryana
for the appellant

Mr. Nishant Raj Ghangas, Advocate
for respondents No. 1 to 3

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Rekha Mittal, J. (Oral)

Challenge in the present appeal has been directed against award dated 31.10.2000 passed by the Motor Accidents Claims Tribunal, Panipat (in short 'the Tribunal') to assail quantum of compensation.

The claim was filed by widow, two minor children and mother of deceased Ram Kumar. Manori respondent No. 4 has passed away but three of her legal heirs namely wife and children of her pre-deceased son are already a party and represented by a counsel. As such, impleadment of legal heirs of Manori is dispensed with.

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

The Tribunal awarded Rs.4,42,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.3,000/-
-Deduction for personal expenses	1/3rd
-Multiplier	18
-Loss of dependency	Rs.4,32,000/-
-Funeral expenses	Rs.10,000/-

The sole submission made by counsel for the appellants is that income of deceased and multiplier applied is on higher side and needs modification. In addition, it is argued that the Tribunal has allowed interest at the rate of 12% per annum.

The plea of the claimants is that deceased used to sell cloth as a Hawker. The Tribunal has assessed his income at Rs.3,000/- per month by considering that a shopkeeper/Hawker can earn at least Rs.100/- per day. There is no challenge to plea of claimants that deceased was selling cloth. At the time of occurrence, he was travelling back to his village Naraina along with one Ram Mehar Singh, another Cloth seller, on his Moped. Taking a clue from notification issued by the State of Haryana fixing minimum wage coupled with that deceased was a Hawker selling cloth, income of deceased is assessed at Rs.2,500/- per month. The claimants shall be entitle to addition in income for future prospects at the rate of 25%.

The claim has been filed by widow, two minor children and mother of deceased. Deduction for personal expenses would be 1/4th. However, as deceased was 42 years old, appropriate multiplier is 15. In this manner, loss of dependency is Rs.4,21,875/- (Rs.4,50,000/- *i.e.* 2,500 x 12 x 15 + Rs.1,12,500/- (25% addition) – Rs.1,40,625/- (1/4th deduction).

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs.50,000.00 (Rs.30,000.00 for loss of consortium to widow, Rs.10,000.00 each qua loss to estate and funeral expenses). In view of the above, total compensation is Rs.4,71,875/- and additional amount is Rs.29,875/- payable with interest @ 7.5% per annum from the date of petition till realization, payable to widow of the deceased, to be invested in fixed deposit for a period of two years.

The Tribunal has allowed interest @ 12% per annum on compensation of Rs.4,42,000/-. The appellants have not placed any documentary evidence showing Bank rate of interest at the relevant time. As such, I do not find any reason to interfere in the rate of interest allowed.

For the foregoing reasons, the appeal stands disposed of in the aforesaid terms.

(Rekha Mittal)
Judge

04.02.2020
Mohan Bimbra

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No