

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

245

Date of decision: 06.03.2020

FAO No.2063 of 2016 (O&M)

Shashi Bala and ors.

... Appellants

Versus

Rohit Walia and ors.

... Respondents

FAO No.3291 of 2016 (O&M)

Kanta Devi

... Appellant

Versus

Rohit Walia and ors.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.

Mr. Naveen Gupta, Advocate for respondent No.1.

Mr. Neeraj Khanna, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.2063 and 3291 of 2016 as these have emerged out of the same award dated 02.11.2015 passed by the Motor Accidents Claims Tribunal, Ambala whereby compensation has been assessed on account of death of Nanak Singh in a motor vehicular accident that took place on 26.08.2013.

FAO No.2063 of 2016 has been filed by claimants Shashi Bala and others whereas the other appeal has been filed by Kanta Devi, seeking additional compensation.

The Tribunal awarded Rs.9,62,703/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Multiplier	16
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.8,64,000/-
Expenses on funeral and transportation	Rs.20,000/-
Loss of consortium	Rs.20,000/-
Medical expenses	Rs.58,703/-

The plea of claimants is that deceased had been working as press machine operator in Virgo Industry, Kala Amb at salary of Rs.10,000/- per month. The claimants did not examine a representative of the Virgo Industry to prove employment and income of the deceased nor they

produced any document much less a document per se admissible in evidence with regard to avocation and income of the deceased. The claimants did not produce any evidence, if the deceased had any technical qualification to his credit. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, there is no scope for allowing monthly income at a rate higher than what has been assessed by the Tribunal. However, 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.12,09,600/- [(6000 x 12 x 16) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed 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.58,703/- qua reimbursement of medical expenses is affirmed.

Total compensation is Rs.13,38,303/- and additional amount is Rs.3,75,600/- (13,38,303 – 9,62,703), payable with interest @ 7.5% per annum from the date of petition till realization, to minor children of deceased namely Navneet Singh and Sukhpreet Singh in equal ratio, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later.

The appeals stand disposed of in the aforesaid terms.

(REKHA MITTAL)
JUDGE

06.03.2020
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No