

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

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Date of decision: 04.03.2020

FAO No.3259 of 2015 (O&M)

Reliance General Insurance Co. Ltd.

... Appellant

Versus

Raksha Rani and ors.

... Respondents

FAO No.6569 of 2015 (O&M)

Raksha Rani

... Appellant

Versus

Gurmukh Singh and ors.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sanjeev Kodan, Advocate for insurance company.

None for the claimant, driver and owner.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.3259 and 6569 of 2015 as these have emerged out of the same award dated 13.03.2015 passed by the Motor Accidents Claims Tribunal, Fatehgarh Sahib whereby compensation has been assessed on account of death of Iqbal Mohammad @ Raju Khan in a motor vehicular accident that took place on 02.06.2013.

FAO No.3259 of 2015 has been filed by Reliance General Insurance Co. Ltd. (hereinafter referred to as 'the insurance company') whereas the other appeal has been filed by the claimant seeking additional compensation.

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

The Tribunal awarded Rs.13,76,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.10,000/-
Addition in income for future prospects	30%
Multiplier	17
Deduction for personal expenses	50%
Loss of dependency	Rs.13,26,000/-
Expenses on funeral	Rs.25,000/-
Loss of estate	Rs.25,000/-

The sole submission made by counsel for the insurance company is that income of deceased assessed is on higher side and needs reduction.

There is no representation on behalf of the claimant earlier represented by a counsel.

The claimant is unfortunate mother of deceased Iqbal Mohammad @ Raju Khan. The plea of claimant is that deceased was working as cleaner on truck No.PB-23M-9891 at salary of Rs.10,000/- per month. She examined Harjot Singh CW2 to corroborate her version with regard to deceased working as cleaner and earning Rs.10,000/- per month. Harjot Singh tendered into evidence his affidavit CW2/A for the purpose of proving accident being the result of rash and negligent driving of offending vehicle and income of the deceased. Perusal of cross examination of Harjot Singh would reveal that there is no challenge to his testimony with regard to the deceased working with him as a cleaner on the aforesaid truck and payment of salary @ Rs.10,000/- per month. The insurance company did not adduce any evidence to rebut the statement of Harjot Singh. In the given circumstances, findings of the Tribunal assessing income of the deceased at Rs.10,000/- per month cannot be faulted with. Claimant 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.14,28,000/- $[(10,000 \times 12 \times 17) + (40\% \text{ future prospects}) - (50\% \text{ deduction for personal expenses})]$.

Under conventional heads, compensation allowed is modified to the effect that claimant 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.14,58,000/- and additional amount is Rs.82,000/- (14,58,000 - 13,76,000), payable with interest @ 7.5% per annum from the date of petition till realization, to be invested in fixed deposit for a period of two years.

The appeals stand disposed of in the aforesaid terms.

04.03.2020

ashok

Whether speaking/reasoned:

Whether reportable:

(REKHA MITTAL)

JUDGE

Yes / No

Yes / No