IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4884-2015 (O&M)
Date of decision: 13.02.2020

Amrinder Kaur and another

...Appellants

Versus

Kana Ram Bishnoi and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Harsh Raheja, Advocate
for the appellants.

Mr. Aman Mittal, Advocate
for respondent No. 3.

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REKHA MITTAL, J. (ORAL)

The claimants are in appeal seeking additional compensation on account of death of Amandeep Sharma in a motor vehicular accident that took place on 01.06.2011.

The Motor Accidents Claim Tribunal, Sri Muktsar Sahib (in short 'the Tribunal') awarded Rs.12,54,000/- detailed hereunder:

Monthly income of the deceased	Rs.8,000/-
Deduction for personal expenses	1/4th
Multiplier	17
Loss of dependency	Rs. 12,24,000/-
Loss to estate, love and affection, funeral expenses and loss of consortium	Rs. 30,000/-

The plea of claimants is that after passing diploma in Medical Laboratory Technology, deceased joined as Laboratory Technician in Adesh Hospital and Research Centre, Muktsar. In 2007, he opened laboratory at Sadiq, thereby earning around Rs.2,000/- daily. The claimants produced register Ex.A2 regarding entries of laboratory reports. Ex.A4 and A5 are copies of result-cum-detailed marks, Ex. A6 certificate of Adesh College of Lab. Technology, Ex. A7 matriculation certificate, Ex.A8 graduation certificate, Ex.A9 para-medical professional society diploma and Ex.A10 5th North-India Tae-Kwon-Do Championship, produced on record. The claimants did not examine any witness to support their plea that deceased was running a Laboratory at Sadiq.

Admittedly, the deceased was not an income tax assessee. It is also not on record that he was holder of a PAN card. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time coupled with technical qualification of the deceased, income of the deceased is assessed at Rs.8000/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%.

The claim has been filed by the mother, widow and minor child of the deceased and as such, admissible deduction for personal expenses would be 1/3rd. Multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.15,23,200/- [Rs.16,32,000/- (Rs.8000/- x 12 x 17) + Rs.6,52,800/- (40% addition towards future prospects) – Rs.7,61,600/- (1/3rd deduction towards personal expenses)].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs. 70,000/-/- detailed hereunder:-

Loss of consortium to the widow	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Loss to estate	Rs.15,000/-

In view of the above, total compensation is Rs.15,93,200/- and additional amount is Rs.3,39,200/- (Rs.15,93,200/- - Rs.12,54,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to Naavya, daughter of the deceased, to be invested in fixed deposit till she attains majority or for a period of three years, whichever is later. The interest accruing on FDR shall be paid to mother of the minor for meeting her expenses. Compensation assessed by the Tribunal shall also carry interest @7.5% per annum from the date of petition till realisation.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

13.02.2020
D.Gulati

Whether reasoned/speaking?	Yes
Whether reportable?	No