

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

225

FAO-648-2016 (O&M)

Date of decision: 14.02.2020

SHEELA DEVI AND ORS

... Appellants

Versus

BALIHAR SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ravi Kadian, Advocate for the appellants.
Mr. Amit Kundra, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

CM No.1969-CII of 2016

Heard.

Allowed as prayed for. Delay of 42 days in refiling the appeal stands condoned.

Main Case

The claimants are in appeal seeking additional compensation on account of death of Balraj Singh in a motor vehicular accident that took place on 27.10.2013.

The Tribunal awarded Rs.9,05,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.7500/-
Multiplier	13
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.7,80,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-

The plea of claimants is that deceased was employed as driver with Parveen Rawal respondent No.2 therein, at salary of Rs.7500/- per month and Rs.200/- per day as diet money. He was earning Rs.60,000/- per annum from agriculture. Except bald statement of Sheela Devi, widow of the deceased, there is no evidence that deceased was involved in any agricultural operation. Indisputably, the deceased was driver of dumper bearing No.HR-39-A-7813 owned by Parveen Rawal respondent No.2 therein. The occurrence in question took place on 27.10.2013. When the case is examined in the light of notification issued by the State of Haryana fixing minimum wage at the relevant time, there is no scope for allowing

additional amount for monthly income of the deceased. Claimants shall be entitle to addition in income for future prospects @ 25%. Multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.9,75,000/- [(7500 x 12 x 13) + (25% future prospects) – (1/3rd 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/-

Total compensation is Rs.10,45,000/- and additional amount is Rs.1,40,000/- (10,45,000 - 9,05,000), payable with interest @ 7.5% per annum from the date of petition till realization, in terms of the award.

The appeal is partly allowed in the aforesaid terms.

14.02.2020

ashok

Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)
JUDGE

Yes / No
Yes / No