

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

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FAO No.8363 of 2015 (O&M)

Date of decision: 20.01.2020

SUNITA & ORS

... Appellants

Versus

MUKESH KUMAWAT & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Balram Prasher, Advocate for
Mr. Jagmohan Singh, Advocate for the appellants.
Mr. Munfaid Khan, Advocate for respondent No.2.
Mr. Sukhdarshan Singh, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking additional compensation on account of death of Mahender in a motor vehicular accident that took place on 13.07.2013.

The Tribunal awarded Rs.10,21,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6500/-
Multiplier	16
Deduction for personal expenses	1/4 th
Loss of dependency	Rs.9,36,000/-
Expenses on funeral	Rs.20,000/-
Loss of estate	Rs.20,000/-
Loss of consortium	Rs.25,000/-
Non-pecuniary damages	Rs.20,000/-

The plea of claimants is that deceased was working on petrol pump and drawing salary of Rs.9500/- per month and Rs.200/- per day. The claimants examined Manoj Kumar Sharma, Manager of Jawala Service Station, Gurgaon PW5 to prove salary certificate Ex.PW5/1 wherein salary of deceased is recorded @ Rs.6450/- per month. There is no documentary evidence made available by employer of the deceased with regard to payment of any additional money to the deceased. In the circumstances, income of the deceased assessed by the Tribunal is affirmed. 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.13,10,400/- [(6500 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/-

Total compensation is Rs.13,80,400/- and additional amount is Rs.3,59,400/- (13,80,400 - 10,21,000), payable with interest @ 7.5% per annum from the date of petition till realization, to claimants No.1 to 3 in the ratio 30:30:40. The amount falling to share of minors shall be invested in fixed deposit till they attain majority or for a period of three years, whichever is later. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

20.01.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No