



FAO-4778-2008(O&M)

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

**FAO-4778-2008(O&M)
Date of decision: 06.02.2025**

Smt. Bhateri Devi and others

..Appellants

Versus

Sumer Singh Chillar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Geetanjali Bhatia, Advocate
Mr. Abhisar Chaudhary, Advocate for
Mr. Kulvir Narwal, Advocate for the appellants

Mr. Amit Jaiswal, Advocate for the Insurance Company

ANIL KSHETARPAL, J. (Oral)

1. This appeal is filed by the claimants. The only issue in the present case is with regard to appropriate amount of compensation required to be awarded to the claimants for death of Joginder Singh aged about 23 years on 24.09.2006 in a motor vehicular accident. The Tribunal, after assessing the income of the deceased at the rate of Rs.3600/- per month, applied 1/3rd cut i.e. deduction towards personal expenses. It applied a multiplier of 13 and also awarded Rs.20,000/- towards funeral expenses, transportation and loss of estate.

2. This Court has considered the submissions made by the learned counsel representing the parties.

3. Learned counsel representing the appellants submits that the deceased was a professional driver residing in Tehsil Bahadurgarh, District Jhajjar, which abuts Delhi Border. She submits that the deceased was a

professional driver as is evident from driving license which authorized him

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to drive LMV vehicles. Hence, the Tribunal has erred in assessing the income of Rs.3600/-, particularly when employer has been examined.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. There is substance in the argument of the learned counsel representing the appellants. The accident took place in September, 2006. Hence, the income is assessed at Rs.5,000/- per month. The deceased was bachelor and the claimants are his parents and unmarried younger brothers. Consequently, deduction of 50% on account of personal expenses is required to be made. The appellants shall be entitled to scale up in the income by 40% on account of the future prospects. Both the parents shall be entitled to Rs.40,000/- each towards loss of consortium. On account of loss of estate and funeral expenses, the claimants shall be entitled to Rs.15,000/- each. The amount of compensation is revised as under:-

Heads	Amount awarded by Tribunal	Amount awarded by High Court
Monthly income	5000/-	5000/-
Future prospects	-	40% 5000x40% = 2000/- 5000+2000= 7000/-
Dependency	1/3 5000/3= 1666/-	1/2 i.e 7000/2= 3500/-
Monthly income	1666/-	3500/-
Annual income	1666x 12= 19,992/-	3500x12 = 4,20,000/-
Multiplier	13 19992x13=259896/-	18 420000x18=7,56,000/-
Consortium	-	40000x2= 80,000/-
Loss of estate and funeral expenses	20,000/-	15000/- each
Total compensation	3,94,400/-	8,66,000/-
Difference	866000-394400 = 4,71,600/-	

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6. The claimants shall be entitled to difference in amount of compensation alongwith interest at the rate of 8% per annum from the date of filing of the claim petition till its payment.
7. Accordingly, the appeal stands disposed of.
8. All the pending miscellaneous applications, if any, are also disposed of.

06.02.2025

rekha
Whether speaking/reasoned
Whether reportable

(ANIL KSHETARPAL)
JUDGE

Yes/No
Yes/No