



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

**FAO-6915-2018 (O&M)
Date of decision : 28.01.2025**

Kaushlaya Devi and another ...Appellants
Vs.
Ketohol Thore and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vipul Sharma, Advocate for the appellants.

Mr. C.L. Verma, Advocate
Mr. Aditya, Advocate for respondent No.2.

Mr. Suman Jain, Advocate
Mr. Shubham Jain, Advocate for respondent No.3.

ANIL KSHETARPAL, J. (Oral)

1. This is claimants' appeal for scaling up the amount of compensation assessed by the Motor Accident Claims Tribunal, Chandigarh. Sh. Satish Sharma, aged 17 years, died in a motor vehicle accident on 23.10.2016. He was student of B.A. and was taking care of his family consisting of his widowed mother and 100% disabled elder brother. The Tribunal assessed the income @ Rs. 8,000/- per month and deducted 50% towards personal expenses. The Tribunal also awarded Rs. 15,000/- as funeral expenses.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

3. In order to prove the income of the deceased, his mother Smt. Kaushlaya Devi entered the witness box as PW-1. She stated that the deceased was earning Rs. 10,000/- per month by selling buffalo milk reared by them. During her cross-examination, she disclosed that she used to receive Rs.



8,000/- per month from her son for maintaining the family. Although, she does not have any documentary proof.

4. At the relevant time, the minimum wages were Rs.8,500/- per month, hence, the Court should have at least calculated the income on the basis of minimum wages. Consequently, the deceased in absence of documentary evidence is held to be earning Rs.8,500/- per month. In the peculiar facts of this case, deduction of 50% towards personal expenses is excessive, particularly, when the deceased left behind widowed mother and 100% disabled elder brother. Hence, the deduction shall be 1/3rd.

5. For loss of consortium, each of the claimants shall be entitled to Rs.40,000/- each. For loss of estate and funeral expenses the claimants shall be entitled to Rs. 15,000/- each.

6. The revised compensation is calculated as under:-

Details	Before the Tribunal	Compensation claimed as per latest law
Income	Rs. 8,000/-	Rs.8,500/-
Future Prospects	(40%) Rs. 3,200/-	(40%) Rs. 3,400/-
Deduction	(1/2) Rs. 5,600/-	(1/3rd) Rs. 3,967/-
Annual Dependency	Rs. 67,200/- (Rs. 5,600X12)	Rs.95,196/- (Rs. 7,933X12)
Multiplier	(18) 67,200X18	(18) 95,196X18
Total Dependency	Rs. 12,09,600/-	Rs. 17,13,528/-
Consortium	-----	Rs. 80,000/- (Rs. 40,000 each)
Funeral Expenses	Rs.15,000/-	Rs.15,000/-
Loss of Estate	----	Rs. 15,000/-
Total Compensation	Rs. 12,24,600/-	Rs.18,23,528/-
Enhancement		Rs. 5,98,928/- With interest @7.5% from date of filing of the claim petition till the date of payment.

7. The enhanced amount shall be payable alongwith interest @ 7.5%



from the date of filing of the claim petition till the payment.

8. All the pending miscellaneous applications, if any, are also disposed of.

28.01.2025

neeraj

Whether speaking/reasoned :

Whether Reportable :

(ANIL KSHETARPAL)
JUDGE

Yes

No

Yes

No