

GURDIAL SINGH AND ANR VS ROHIT KUMAR AND ORS

Present: Mr. R.C. Kapoor, Advocate
for applicant-respondent No.3.

Mr. Surinder Singh, Advocate
for non-applicant/appellants.

Mr. Surinder Singh, Advocate appears on behalf of the non-applicant/appellants.

Notice in this application was issued solely on the limited question of miscalculation in income of the deceased inasmuch as 50% deduction has not been effected from the income of the deceased after inclusion of component of loss of future prospects. No ground for review is made out on any other count.

Income of the deceased has been assessed as Rs.5,000/- per month and annual dependency assessed as Rs.60,000/-. Applying multiplier on 16, loss of dependency was worked out as Rs.9,60,000/-.

Assessment, however, should be that on an addition of Rs.2,500/- to Rs.5,000/- i.e. 50% on account of loss of future prospects, monthly income is equal to Rs.7,500/- per month. Deduction of 50% has to be effected from Rs.7,500/- as the deceased was a bachelor thereby rendering the monthly income to be Rs.3,750/- per month and not Rs.5,000/-. Monthly income of the deceased shall thus read as Rs.3,750/- instead of Rs.5,000/- after deduction of 50%.

Applying multiplier of 16, loss of dependency works out to Rs.7,20,000/- (Rs.3750x12x16) instead of Rs.9,60,000/-. Learned counsel for the non-applicant/appellants is unable to deny that calculation of loss of dependency has to be as above.

Total compensation awarded to the appellants would thus be
Rs.8,45,000/- instead of Rs.10,85,000/- as detailed hereunder:-

<i>Sr. No.</i>	<i>Heads of claim</i>	<i>Amount</i>
1	Loss of dependency (3750x12x16)	7,20,000/-
2	Loss of love and affection at the rate of 50,000/- each parent	1,00,000/-
3	Funeral expenses	25,000/-
	Total	8,45,000/-

Necessary correction in the calculation in judgment dated 15th
September, 2015 is effected. This order shall read as part of the judgment.

Application is, accordingly, disposed of.

December 10, 2015
m. sharma

(LISA GILL)
JUDGE