

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

-.-

FAO 7701 of 2014 (O&M)
Date of decision: 15.11.2016

Salochana and others

..... Appellants

Versus

Darshan Singh and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Rakesh Nagpal, Advocate
for the appellants
None for respondent No. 3

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Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Krishan Kumar in a motor vehicular accident that took place on 20.07.2010.

The Tribunal assessed income of the deceased at Rs.6,000/- per month, deducted 1/4th for personal and living expenses, adopted multiplier of 16 to compute loss of dependency at Rs.8,64,000.00. An amount of Rs.10,000.00 for pain and suffering and loss of consortium and Rs.10,000.00 on account of funeral expenses and transportation etc. was awarded making total compensation to Rs.8,84,000.00.

Counsel for the appellants has submitted that the Tribunal has not allowed benefit of increase in income for future prospects and compensation awarded under conventional head needs enhancement.

There is no representation on behalf of the insurance Company that was earlier being represented by a counsel.

I have heard counsel for the appellants and perused the paper book particularly the award passed by the learned Tribunal.

The claimants shall be entitled to increase in income for future prospects to the extent of 50% in the light of judgment ***Rajesh and others vs. Rajbir Singh and others, 2013 (3) RCR (Civil) 170.*** In this way, loss of dependency comes to Rs.9000x12x16 (17,28,000) – Rs.4,32,000.00 (1/4th deduction) = **Rs.12,96,000.00.**

Under conventional heads, widow is awarded an amount of Rs.1,00,000.00 for loss of consortium. The minor children of the deceased are awarded Rs.2,25,000.00 in equal share and Rs.50,000.00 to mother of the deceased for loss of love and affection. The claimants shall be entitled to Rs.25,000.00 each for funeral expenses and loss of estate. The total compensation comes to Rs.17,21,000.00 and enhanced compensation is **Rs.8,37,000.00** payable with interest @ 7.5% per annum from the date of petition till realization.

The enhanced compensation shall be payable to the widow and children of the deceased in the ratio of 40:20:20:20. The amount falling to share of the children shall be deposited in Fixed Deposit Receipts in a nationalized Bank till they attain the age of majority or for a period of three years which ever is later. Further the amount falling to share of the widow shall be deposited in a Fixed Deposit Receipt for a period of three years. Interest accruing on the Fixed Deposit Receipts of children shall be payable to the mother for meeting expenses on their education and living. The

claimants shall not be entitled to raise any loan against the Fixed Deposit Receipts.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

15.11.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No