

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

FAO No.555 of 2016 (O&M)

Date of Decision: 12.12.2016

Darshna Devi

..... Appellant (s)

Versus

Kashi Ram and others

..... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Kulwant Singh Dhanora, Advocate
for the appellant.

Mr. Atul Gaur, Advocate for
Mr. Samir Rathaur, Advocate
for respondents No.1 and 2.

Mr. Rajneesh Malhotra, Advocate
for respondent No.3.

REKHA MITTAL J. (ORAL)

The claimants are in appeal seeking enhancement of compensation with regard to death of Sunil Kumar in a motor vehicle accident that took place on 08.11.2012.

The Tribunal has assessed income of the deceased at Rs.6,000/- per month, deducted 50% for personal expenses and applied a multiplier of 18 to compute loss of dependancy to the tune of Rs.6,48,000/-. In addition, an amount of Rs.50,000/- for loss of love and affection, Rs.25,000/- for funeral expenses and Rs.5,000/- for loss of estate is awarded making total compensation to Rs.7,28,000/- payable with interest @ 9% per annum from the date of petition till realization.

Learned counsel for the appellant has submitted that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 50% as the deceased was less than 40 years of age. Compensation awarded under conventional heads also needs enhancement particularly for loss of love and affection.

Counsel for the Insurance company, on the contrary, has submitted that as the deceased was 27 years of age, admissible multiplier would be 17 in place of 18.

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

The Tribunal has not allowed benefit of increase in income for future prospects in the light of judgment of Hon'ble the Supreme Court "***Rajesh and others Vs. Rajbir Singh and others***" 2013(3) RCR (Civil) 171. Increase in income for future prospects to the extent of 50% is allowed as the deceased was less than 40 years of age. The Tribunal has held that the deceased was 27 years of age at the time of occurrence, therefore, admissible multiplier would be 17 in place of 18. In view of the above, loss of dependancy comes to Rs.36,000/- + Rs.18,000/- = 54,000/- x 17 = 9,18,000/-.

Under conventional heads, an amount of Rs.25,000/- for funeral expenses and Rs.50,000/- for loss of love and affection awarded by the Tribunal is affirmed. However, claimant shall be entitled to an amount of Rs.25,000/- for loss of estate. The total compensation comes to Rs.10,18,000/- and the enhanced compensation is Rs.2,90,000/-. The additional amount shall be payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

December 12, 2016

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No