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

FAO No.597 of 2016(O&M)

Date of decision:3.11.2016

ICICI Lombard General Insurance Company Ltd. ….Appellant

VERSUS

Kunkun Sahni and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. A.S. Sidhu, Advocate for the appellant.

Mr. Ram Kumar Saini, Advocate for respondents No.1 and 2.

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REKHA MITTAL, J.

The present appeal has been directed against award dated 26.10.2015 passed by the Motor Accidents Claims Tribunal, Kurukshetra (in short 'the Tribunal') whereby compensation has been awarded in favour of the claimants/respondents No.1 and 2 in respect of death of Sanjay Kumar aged about 19 years.

The Tribunal has assessed income of the deceased at Rs.8,100/- per month, extended benefit of future prospects to the tune of 50%, deducted 1/3rd for personal expenses and adopted a multiplier of 18 to compute loss of dependency.

The sole submission made by counsel for the appellant is that the Tribunal has wrongly allowed deduction to the extent of 1/3rd in place of 50% as the claimants are parents of the deceased. In support of his contention, he has relied upon judgment of Hon'ble the Supreme Court of

India **Smt. Sarla Verma and others versus Delhi Transport Corporation and another**, **2009 (3) RCR (Civil) 77**.

Counsel for the contesting respondents (claimants) has supported the award.

I have heard counsel for the parties, perused the paper-book particularly the award passed by the Tribunal.

Indisputably the claimants are the parents of unmarried boy aged about 19 years. In view of ratio laid down in Smt. Sarla Verma's case (supra), permissible deduction would be 50% in place of 1/3rd. Counsel for the claimants has not pointed out any material in order to make out a special case wherein deduction less than 50% is permissible. After allowing deduction to the extent of 50%, compensation qua loss of dependency comes to Rs.13,12,200/- (Rs.6075 x 12 x 18). In this manner, compensation awarded by the Tribunal is reduced to the extent of Rs.4,37,400/-.

Counsel for the parties are ad idem that the insurance company has deposited only 60% of the amount awarded by the Tribunal. After adjusting an amount of Rs.4,37,400/- ordered to be reduced, the insurance company is directed to deposit the remaining amount with the Tribunal within a period of 4 weeks.

The appeal is partly allowed in the aforesaid terms.

NOVEMBER 3, 2016 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no