

FAO No. 2808 of 2011 (O&M)1

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 2808 of 2011 (O&M)

Date of decision : December 20, 2017

Rajni Devi and others

Versus

..... Appellants

Kewal Krishan and others

..... Respondents

CORAM:

HON'BLE MRS. JUSTICE REKHA MITTAL

Present:-

Ms. Seema Pasricha, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for respondent No.3.

REKHA MITTAL J (Oral).

The claimants are in appeal seeking enhancement of compensation in regard to death of Kulwant Singh s/o Jarnail Singh in a motor vehicular accident that took place on 22.3.2008. The tribunal has awarded compensation to the tune of Rs. 6,15,000/-, detailed hereunder:-

<i>S.No.</i>	<i>Heads of claim</i>	<i>Amount (Rs.)</i>
1	Monthly income of the deceased	Rs.4200/-
2	Multiplier	17
3	Deduction for personal expenses	1/3rd
4	Loss of dependency	Rs.33,600/-x17= 6,04,800/-
5	Expenses on funeral and transportation	5220/-
6	Loss of consortium	5,000/-
	Total	6,15,000/-

Counsel for the appellant has submitted that income of

the deceased assessed by the tribunal is on the lower side and requires enhancement. Claimants are entitled to increase of income for future prospects to the extent of 40%. Adequate compensation may be allowed under the conventional heads.

Counsel representing the Insurance Company has supported the assessment made by the tribunal.

The tribunal has assessed income of the deceased at Rs.4200/- per month by treating him as a daily wager. In view of the minimum wage fixed by the State and available at the relevant time, there is no justification for increase in income of the deceased. However, claimants shall be entitled to increase qua future prospects to the extent of 40%. As the deceased was 25 years old, admissible multiplier would be 18. Deduction for personal expenses allowed by the tribunal is affirmed. In this manner loss of dependency comes to $4200 \times 12 \times 18 = 9,07,200 + 3,62,880/-$ $(40\%) = 12,70,080/- - 4,23,360/- (1/3^{rd}) = 8,46,720/-$.

Under the conventional heads, claimants shall be entitled to following compensation in the light of latest judgment of the Hon'ble Supreme Court in National Insurance Company Ltd. Vs. Pranay Sethi and others 2017 ACJ 2700.

<i>S.No.</i>	<i>Heads of claim</i>	<i>Amount</i>
1	Loss to estate	Rs. 15,000/-
2	Funeral expenses	Rs. 15,000/-
3	Loss of consortium	Rs. 40,000/-
	Total	Rs. 70,000/-

Total compensation comes to Rs.9,16,720/- and the additional amount is Rs.3,01,720/- (Rs.9,16,720-6,15,000), payable to the claimants with interest

the widow and mother of the deceased in equal proportion.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

December 20, 2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No