IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4012 of 2012(O&M)

Date of decision: 12.12.2017

Priya Gilhotra and another …..Appellants

VERSUS

Sher Singh and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Gopal Sharma, Advocate for the appellants.

None for respondent-Insurance Company..

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Ferozepur (in short 'the Tribunal') in regard to death Parveen Kumar @ Billa in a motor vehicular accident that took place on 24.12.2009.

The Tribunal has awarded compensation to the tune of Rs.8,71,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6,000/-
Deduction for personal expenses	1/3rd
Multiplier	18
Funeral expenses	Rs.2,000
Loss of consortium	Rs.5,000/-

Counsel for the appellant has submitted that the Tribunal has not allowed benefit of increase in income for future prospects. Adequate compensation may be allowed under conventional heads.

There is no representation on behalf of the Insurance Company.

The deceased was 28-29 years old at the time of occurrence, therefore, admissible multiplier would be 17. The claimants shall be entitled to increase in income for future prospects to the extent of 40%. Deduction for personal expenses allowed by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs.11,42,400/-[Rs.8,16,000/- (Rs.4000 x 12 x 17) + Rs.3,26,400/- (40% future prospects)].

The claimants shall be entitled to following compensation under conventional heads in the light of latest enunciation by Hon'ble the Supreme Court in **SLP (Civil) No.25590 of 2014 titled National Insurance Company Ltd. Vs. Pranay Sethi and others, decided on 31.10.2017**:-

Loss of consortium	Rs.40,000/-
Funeral expenses/last rites	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation comes to Rs.12,12,400/- and the additional amount is Rs.3,41,400/-(Rs.12,12,400/- - Rs.8,71,000/-), payable with interest at the rate of 7.5% per annum from the date of petition till realization to the widow and minor child of the deceased in the ratio 30:70. The amount falling to the share of minor shall be deposited in a Fixed Deposit Receipt till he attains the age of majority or for a period of three years, whichever is later. Interest accruing on the FDR shall be paid to mother of the minor for meeting expenses on his living and education.

The appeal is partly allowed in the aforesaid terms.

DECEMBER 12, 2017 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no