IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4962-2012 (O&M)
Date of decision: 30.10.2017

Reliance General Insurance Company Ltd. .... Appellant

Versus

Joginder Kaur and others ..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Rajat Garg, Advocate for
Mr. T.K.Joshi,Advocate
for the appellant.

Ms.Pooja Nagar, legal aid counsel
for respondents No.1 to 4.

None for respondents no.5 and 7.

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Avneesh Jhingan, J.

The present appeal has been filed by Insurance Company raising an issue that while calculating the loss of dependency in case of unmarried person, the deduction of 50% has to be made for self expenses.

The legal heirs of Beeta filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') claiming compensation as Beeta aged 20 years, lost his life in a motor vehicular accident, which occurred on 07.09.2009.

The Tribunal after considering the material produced before it, awarded a sum of Rs.6,70,000/-along with interest @ 7% per annum.

Learned counsel for the appellant has argued that his only grievance is that 1/4th deduction has been made out of assessed salary of the deceased of Rs.4,000/- per month whereas 50% deduction should be made as Beeta was unmarried.

Learned counsel for respondents No.1 to 4 defended the award but could not raise any serious objection if 50% deduction is made for self expenses.

The Hon'ble Apex Court in ***Sarla Verma and others vs. Delhi Transport Corporation and another, 2009(3) R.C.R. (Civil) 77***, has specifically held that in case of death of unmarried person, 50% deduction should be made for self expenses.

The fact of the deceased being unmarried is not disputed by either of the parties.

The amount for loss of dependency is recalculated by taking 50% deduction for self expenses. Since there is no dispute of the salary assessed and the multiplier applied as it is, the loss of dependency is recalculated as per table given below:-

Income	Rs.4,000/-
Annual income	Rs. 4000 x12=48,000/-
50% deduction for self expenses	Rs.24,000/-
Dependency	Rs.24,000/-
Applying multiplier of 18	Rs.24,000x18=Rs.4,32,000/-

The award dated 30.03.2012 is modified to the extent that the amount awarded by the Tribunal of Rs.6,70,000/- is reduced to Rs.4,54,000/-.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

30.10.2017
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Note:

1. Whether the order is speaking/reasoned: Yes

2. Whether the order is reportable : Yes