

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 2752 of 2013 (O&M)

Date of Decision: 20.12.2017

National Insurance Co. Ltd.

.....Appellant

Versus

Rekha Devi and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Suvir Dewan, Advocate
for the appellant.

Mr. S.N.Gaur, Advocate
for respondents No. 1 and 2.

ANITA CHAUDHRY, J

This appeal is by the insurance company disputing the amount allowed to the claimants.

On the last date of hearing, there was a request made by the counsel for the appellant as the matter regarding future prospects was then pending before the Larger Bench.

Counsel for the appellant contends that the matter has been decided by the Larger Bench in *National Insurance Company Limited versus Pranay Sethi and others, SLP (Civil) No. 25590 of 2014, decided on 31.10.2017*. He also says that still some amount in excess has been paid.

The issue regarding addition of future prospects stands settled. The Tribunal had taken the income of the deceased as Rs. 5,000/- per month and had made an addition of 50% whereas it should be 40%. The deduction towards personal expenses and the multiplier were correctly applied.

Therefore, the calculations are being made again as under:-

1.	Monthly income	Rs. 5,000/-
2.	Annual income	Rs. 60,000/-
3.	40% added towards future prospects	Rs. 24,000/-
4.	Total annual income (60,000 + 24,000)	Rs. 84,000/-
5.	1/3 rd deducted as personal expenses	Rs. 28,000/-
6.	Annual dependency	Rs. 56,000/-
7.	Multiplier applied	16
8.	Loss of dependency	Rs. 8,96,000/-
9.	Loss of consortium	Rs. 40,000/-
10.	Funeral expenses	Rs. 15,000/-
11.	Loss of estate	Rs. 15,000/-
12.	expenses (Rs. 1,58,176.68 rounded to Rs. 1,58,000)	Rs. 1,58,000
13.	Total compensation	Rs. 11,24,000/-
14.	Compensation awarded by the Tribunal	Rs. 11,48,000/-
15.	Compensation in excess	Rs. 24,000/-

The Tribunal had allowed Rs. 11,48,000/-. Therefore, there is an excess of only Rs. 24,000/-. It is held that the amount payable by the insurance company would be Rs. 11,24,000/-. The amount would be payable with interest @ 9% as ordered by the Tribunal if not paid already. The finding with respect to penal future interest @ 12% should not have been made.

The appeal filed by the insurance company is partly allowed.

The award is modified to the extent noted above.

(ANITA CHAUDHRY)
JUDGE

December 20, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No