

FAO-1222-2014 (O&M)
Date of decision: 08.12.2017

...Appellants

...Respondents

* * * *

1. Monthly income of the deceased	Rs.4200/-
2. Deduction for personal expenses	50%
3. Multiplier	18
4. Loss of dependency	Rs.4,53,600/- (Rs.2100 x 12 x 18)
5. Expenses on treatment of the deceased	Rs.11,623/-
6. Transportation and last rites	Rs.5000/-

Counsel for the appellants would contend that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 40%. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company as well as State of Haryana would support the assessment made by the Tribunal.

The deceased was 19 years old and a student of engineering. The Tribunal has assessed notional income of the deceased at Rs.4200/- per month. However, the deceased would not have stagnated at that income had he remained alive. The claimants are entitled to increase in income for future prospects to the extent of 40%. The deduction for personal expenses and multiplier applied by the Tribunal are affirmed. In this manner, loss of dependency comes to $\text{Rs.}4200 \times 12 \times 18 + 40\% \text{ (future prospects)} - 50\% \text{ (deduction for personal expenses)} = \text{Rs.}6,35,040/-$.

Under conventional heads, claimants shall be entitled following compensation in the light of judgment of Hon'ble the Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors. Special Leave Petition (Civil) No. 25590 of 2014, decided on 31.10.2017 :-**

- | | |
|------------------------|-------------|
| 1. Expenses on funeral | Rs.15,000/- |
| 2. Loss of estate | Rs.15,000/- |

The total compensation comes to Rs.6,65,040/- and the additional amount is Rs.1,95,040/- (6,65,040 – 4,70,000). The additional amount shall carry interest @ 7.5% per annum from the date of petition till

realization, payable to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

08.12.2017
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No