

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
-.-

FAO 3700 of 2013
Date of decision: 22.09.2017

Suman and others *Appellants*
Versus
Mahinder Singh and another *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal
-.-

Present: Mr. Rajneesh Chadwal, Advocate
 for the appellants

 None for the respondents
 -.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Dharamvir in a motor vehicular accident that took place on 18.02.2011.

The Tribunal awarded compensation to the tune of Rs.7,85,000.00, detailed hereunder:-

Monthly income	5,000
Deduction for personal expenses	¼
Multiplier	17
Loss of dependency	3750x12x17=7,65,000.00
Loss of consortium	10,000.00
Expenses on funeral	10,000.00
Total	7,85,000.00

Counsel for the appellants would urge that compensation awarded by the Tribunal both in regard to loss of dependency and under conventional heads needs enhancement. For this purpose, he has relied

upon judgment of Hon'ble the Supreme Court ***Rajesh and others v. Rajbir Singh and others, 2013 (3) R.C.R. (Civil) 170.***

There is no representation on behalf of the respondents.

The Tribunal has not allowed benefit of increase in income qua future prospects to the extent of 50% in the light of judgment relied upon by counsel. The mere fact that the matter with regard to future prospects is pending consideration before a larger Bench of Hon'ble Supreme Court of India in view of reference made in ***National Insurance Company Limited v. Pushpa (SLP (c) No. 16735 of 2014, decided on 02.07.2014)*** and in view of observations made by the Apex Court in ***Shashikala and others v. Gangalakshamma and another, 2015 ACJ 1239*** is not sufficient to deny the said benefit till the judgment in Rajesh's case (supra) is varied or set aside. After extending benefit of future prospects to the extent of 50%, loss of dependency comes to Rs.11,47,500.00 (7,500 x 12 x 17 (15,30,000) – (3,82,500) 1/4th deduction). Under conventional heads, the claimants shall be entitled to following compensation:-

Loss of consortium to widow	1,00,000.00
Loss of love and affection to children	1,50,000.00
Loss of love and affection to mother	50,000.00
Expenses on funeral	25,000.00
Loss of estate	25,000.00
Total	3,50,000.00

Total compensation comes to Rs.14,97,500.00 (11,47,500 + 3,50,000) and additional amount is Rs.7,12,500.00 (14,97,500 - 7,85,000) which shall carry interest at the rate of 7.5% per annum from the date of petition till realization, payable to widow and children in equal ratio except the compensation for loss of love and affection allowed in favour of mother.

The amount falling to share of children shall be deposited in

Fixed Deposit Receipts for a period of three years or till they attain the age of majority, whichever is later. However, the interest on FDRs shall be payable to their mother for meeting expenses on education and livelihood of the children.

(Rekha Mittal)
Judge

22.09.2017
mohan bimbra

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