IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO No. 4630 of 2013
Date of decision: 06.11.2017

Suman and others .... *Appellants*

Versus

Manish and others ....*Respondents*

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

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Present: Mr. Ashish Yadav, Advocate
for the appellants

Mr. Pradeep Kumar, Advocate
for respondent No. 3- Future Gen India Ins. Co Limited

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Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in respect of death of Krishan Kumar in a motor vehicular accident that took place on 27.06.2009.

The Tribunal has awarded compensation to the tune of Rs.13,18,467.00, detailed hereunder:-

Income of the deceased	4,600.00 per month
Deduction for personal expenses	1/3rd
Multiplier	13
Annual Loss of dependency 3067x12	36,804.00
Loss of dependency 36,804x13	4,78,452.00
Loss of consortium to the widow	10,000.00
Loss of estate	5,000.00
Expenses of last rites and transportation	10,000.00

Expenses on medical treatment	8,10,015.00
Special diet and attendant	5,000.00

Counsel for the appellants has submitted that the Tribunal has not allowed benefit of increase in income for future prospectus. Compensation under conventional heads needs enhancement.

Counsel representing the insurance company, on the contrary, would urge that adequate compensation has been awarded by the Tribunal.

The deceased was held to be 46 years of old at the time of occurrence. His income has been assessed at Rs.4,600.00 per month. In the light of enunciation laid down by Hon'ble the Supreme Court of India in latest judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others*** (SLP (Civil) 25590 of 2014, decided on 31.10.2017), the claimants are entitled to increase in income for future prospectus to the extent of 25%. Deduction for personal expenses and multiplier adopted by the Tribunal are affirmed. In view of the above, loss of dependency comes to **Rs.5,98,000.0**0 (4,600x12x13 (7,17,600) + 1,79,400 (25% future prospectus) – 2,99,000 (1/3rd deduction).

Under conventional heads, claimants shall be entitled to following compensation:-

Loss of consortium	40000
Expenses on funeral	15000
Loss of estate	15000

Compensation awarded by the Tribunal on account of expenses on medical treatment, special diet and attendant charges is ordered to be affirmed. Total compensation comes to **Rs.14,83,015.00** (5,98,000 + 70,000 + 8,10,015 + 5,000) and the additional amount is **Rs.1,64,548.0**0

(14,83,015 - 13,18,467) which shall carry interest at the rate of 7.5% from the date of petition till realization payable to the claimants in terms of the award of the Tribunal.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

06.11.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No