IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2531 of 2015 (O&M)
Date of decision: 11.12.2017

Smt. Meena Devi and others ...Appellants

Versus

Karan Singh and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Abhinav Sood, Advocate for the appellants.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate for the insurance company.

****

REKHA MITTAL, J. (Oral)

CM No.7753-CII of 2015

Heard.

For the reasons stated in the application supported by affidavit of Meena Devi, one of the appellants, same is allowed. Delay of 05 days in filing the appeal is condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation in regard to death of Ram Mehar in a motor vehicular accident that took place on 12.03.2013.

The Tribunal has awarded compensation to the tune of Rs.11,39,000/-, detailed hereunder:-

1. Monthly income of the deceased Rs.6000/-

2. Deduction for personal expenses	1/4th
3. Multiplier	16
4. Loss of dependency	Rs.8,64,000/- (Rs.54000 x 16)
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium to widow	Rs.1,00,000/-
7. Loss of estate to claimant No.5	Rs.50,000/-
8. Loss of love and affection to claimants No.2 and 3	Rs.1,00,000/-

Counsel for the claimants would urge that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 40%.

Counsel representing the insurance company, on the other hand, would argue that compensation allowed under conventional heads is liable to be reduced to bring it in conformity with the latest judgment of the Constitution Bench 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.**

The Tribunal has held that the deceased was 33 years old at the time of occurrence and accordingly allowed multiplier of 16 for computing loss of dependency. The multiplier and deduction for personal expenses allowed by the Tribunal are affirmed. The claimants shall be entitled to increase in income to the extent of 40% as the deceased was less than 40 years of age. In this manner, loss of dependency comes to Rs.6000 x 12 x 16 + 40% (future prospects) – 1/4th (deduction for personal expenses) = Rs.12,09,600/-.

The compensation awarded by the Tribunal under conventional heads is reduced to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Expenses on funeral	Rs.15,000/-
3. Loss of estate	Rs.15,000/-

The total compensation comes to Rs.12,79,600/- and the additional amount is Rs.1,40,600/- (12,79,600 – 11,39,000), payable with interest @ 7.5% per annum from the date of petition till realization to widow and minor children of the deceased in the ratio 40:30:30. The share of minor children shall be deposited in FDRs payable on their attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

11.12.2017 **(REKHA MITTAL)**
ashok **JUDGE**

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