

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-5594-2014 (O&M)
Date of decision: 01.11.2017

SAROJ & ORS ...Appellants

Versus

SHYAMBIR & ORS ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Deepak Aggarwal, Advocate/Amicus Curiae and
Mr. Rohit Aggarwal, Advocate
for the appellants.

Ms. Nikita Bansal, Advocate
for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Krishan Kumar @ Kumar in a motor vehicular accident that took place on 08.03.2012.

The Tribunal assessed compensation to the tune of Rs.6,60,000/-, detailed hereunder:-

Income of the deceased	Rs.5000/- per month
Deduction for personal expenses	1/3 rd
Multiplier	16
Loss of dependency	Rs.5000 x 12 x 16 - 1/3 rd (thereof) = Rs.6,40,000/-
Expenses on last rites/funeral and loss of estate	Rs.20,000/-
Total	Rs.6,60,000/-

Counsel for the appellants would contend that the Tribunal has not allowed benefit of addition in income for future prospects to the extent of 50% as the deceased was 30 years old. Compensation awarded under conventional heads needs enhancement.

Counsel representing the insurance company, on the contrary, has supported the award with the submission that adequate compensation has been assessed by the Tribunal.

As has been noticed hereinbefore, the Tribunal has assessed income of the deceased at Rs.5000/- per month. There is no dispute that the deceased was 30 years old at the time of occurrence. The claimants shall be entitled to addition in income for future prospects to the extent of 40% in the light of enunciation laid down by Hon'ble the Supreme Court in latest judgment **National Insurance Company Limited Vs. Pranay Sethi and Ors.** Special Leave Petition (Civil) No. 25590 of 2014, decided on 31.10.2017. In view of the above, loss of dependency comes to Rs.5000 x 12 x 16 + 40% (future prospects) - 1/3rd (deduction for personal expenses) = Rs.8,96,000/-.

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

Loss of consortium to the widow	Rs.40,000/-
Expenses on funeral	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total	Rs.70,000/-

The total compensation comes to Rs.9,66,000/- and the additional amount is Rs.3,06,000/- (9,66,000 – 6,60,000). The additional amount shall carry interest @ 7.5% per annum from the date of petition till realization, payable to minor child of the deceased, to be deposited in a FDR and payable on his attaining the age of majority. The interest accruing on the FDR shall be payable to mother of the minor for meeting expenses of his education and living.

The appeal is partly allowed in the aforesaid terms.

01.11.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No