

Counsel for the appellants has submitted that income of the deceased assessed by the Tribunal is on lower side and needs enhancement. The claimants are entitled to addition in income for future prospects and adequate compensation under conventional heads.

Counsel representing the insurance company has supported the award with the submission that adequate compensation has been awarded by the Tribunal.

The Tribunal, on a detailed consideration of materials on record has recorded findings on issue No.7 with regard to income of the deceased and compensation under conventional heads. Counsel for the appellants has failed to point out any materials on record to justify enhancement of income of the deceased. The deceased was 40 years old at the time of occurrence. The claimants shall be entitled to increase in income for future prospects to the extent of 25% and multiplier of 15 for computing loss of dependency. In this manner, loss of dependency comes to $\text{Rs.}7500 \times 12 \times 15 + 25\%$ (future prospects) – $1/3^{\text{rd}}$ (deduction for personal expenses) = Rs.11,25,000/-.

Under conventional heads, claimants shall be entitled to an amount of Rs.70,000/- in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors. Special Leave Petition (Civil) No. 25590 of 2014, decided on 31.10.2017**, detailed hereunder:-

1. Loss of consortium to the widow	Rs.40,000/-
2. Expenses on funeral/last rites	Rs.15,000/-

3. Loss of estate

Rs.15,000/-

The total compensation comes to Rs.11,95,000/- and the additional amount is Rs.2,95,000/- (11,95,000 – 9,00,000), payable with interest @ 7.5% per annum from the date of petition till realization to the widow and son of the deceased in the ratio 60:40. The share of son of the deceased shall be deposited in FDR payable on his attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

30.11.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No