IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

-.-

FAO 878 of 1993 (O&M)
Date of decision: 15.05.2018

Parmeshwari Devi and another .... *Appellants*

Versus

Union of India and others ....*Respondents*

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

-.-

Present: Mr. Arnav Sud, Advocate
for the appellants

Mr. Piyush Kanna, Advocate
for respondents No. 1 and 2

Mr. Mukesh Verma, Advocate for
Mr. R K Gupta, Advocate
for respondent No. 5

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Yogeshwar Sharma in a motor vehicular accident that took place on 01.07.1990.

The Tribunal has awarded compensation of Rs.42,000.00, detailed hereunder:-

Monthly income of the deceased	Rs.900.00
Monthly loss of dependency	Rs.250.00
Multiplier	14
Loss of dependency	Rs.42,000.00

The Tribunal has assessed income of the deceased at Rs.900.00 per month on the basis of evidence on record and the same is affirmed. Application for compensation has been filed by the parents and sibling of deceased Yogeshwar Sharma. Father of the deceased is not held to be dependent upon his earning. In the life time of father of the deceased, brother of the deceased shall not be entitled to compensation. In the given scenario, deduction for personal expenses would be 50%. However, as the deceased was 20 years old, admissible multiplier is 18. The claimants shall be entitled to benefit of increase in income for future prospects at the rate of 40%. In this view of the matter, loss of dependency comes to **Rs.1,36,080.00** (Rs.1,94,400.00 i.e. 900 x 12 x 18 + Rs.77,760.00 (40% future prospects) – Rs.1,36,080.00 (50% deduction).

Under conventional heads, claimants shall be entitled to Rs.30,000.00, in the light of judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270***, detailed hereunder:-

Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation is calculated at Rs.1,66,080.00 (Rs.1,36,080.00 + Rs.30,000.00) and additional amount is Rs.1,24,080.00 (Rs.1,66,080.00 – Rs.42,000.00) payable with interest at the rate of 7.5% per annum from the date of petition till realization to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

15.05.2018
mohan bimbra

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