

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 1466 of 2002(O&M)  
Date of Decision: 03.07.2018

Jasmail Kaur and others

---Appellants

versus

Gurjant Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants

Mr. Vinod Gupta, Advocate,  
for the insurance company

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**Rekha Mittal, J.**

The claimants are in appeal seeking enhancement of compensation on account of death of Som Nath in a motor vehicular accident that took place on the intervening night of 28/29.8.1997.

The Motor Accidents Claims Tribunal, Kurukshetra (in short “the Tribunal”) has awarded compensation of Rs. 2,93,800/- detailed hereunder:-

|                                 |                   |
|---------------------------------|-------------------|
| Monthly income of the deceased  | Rs. 2400/-        |
| Multiplier                      | 14                |
| Deduction for personal expenses | 1/3 <sup>rd</sup> |
| Loss of dependency              | Rs. 2,68,800/-    |
| Loss of consortium              | 15,000/-          |
| Funeral expenses                | 10,000/-          |

As per plea of the claimants, the deceased was working as

conductor on bus bearing No. BR-11A/9113 (offending vehicle). There is no justification for enhancement of income of the deceased assessed by the Tribunal. The deceased has been held to be 40 years old, therefore, claimants shall be entitled to benefit of future prospects @ 25%. Appropriate multiplier for computing loss of dependency would be 15 and deduction for personal expenses  $1/4^{\text{th}}$ . In this manner, loss of dependency is calculated at **Rs. 4,05,000/-** [2400 x 12 x 15=4,32,000 + 1,08,000=5,40,000 -1,35,000].

Under conventional heads, claimants shall be entitled to Rs. 70,000/-, detailed hereunder :-

|                             |                     |
|-----------------------------|---------------------|
| Loss of consortium to widow | <b>Rs. 40,000/-</b> |
| Expenses on funeral         | <b>Rs. 15,000/-</b> |
| Loss of estate              | <b>Rs. 15,000/-</b> |

Total compensation is **Rs. 4,75,000/-** and the additional amount of **Rs.1,81,200/-** ( 4,75,000-2,93,800) is payable with interest @ 7.5% per annum from the date of petition till realization to widow of the deceased, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

**(Rekha Mittal)**  
**Judge**

**03.07.2018**

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No