

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

203

FAO-1567-2001 (O&M)
Date of decision: 02.08.2018

GURNAM KAUR AND OTHERS

... Appellants

Versus

KARAMJIT SINGH AND OTHERS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Naren P. Singh, Advocate for the appellants.

Mr. R.C. Kapoor, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sardool Singh in a motor vehicular accident that took place on 30.06.1999.

The Tribunal has awarded compensation of Rs.3,07,600/-,
detailed hereunder:-

1. Monthly loss of pension	Rs.1642/-
2. Monthly loss of income	Rs.3000/-
3. Multiplier	8
4. Deduction for personal expenses	1/3 rd
5. Loss of dependency	Rs.2,97,600/-
6. Expenses on funeral and last rites	Rs.10,000/-

The deceased was 59 years old pensioner who retired from Army service. The Tribunal has assessed his monthly income @ Rs.3000/-. Taking a clue from the minimum wage available at the relevant time coupled with plea of the claimants that the deceased was running the band

in marriages etc., there is no scope for enhancement in income of the deceased. However, claimants shall be entitled to addition in income for future prospects @ 10% only on the amount of Rs.3000/-. As the deceased was 59 years old, admissible multiplier would be 9. In this manner, loss of dependency qua loss of pension and income is calculated at Rs.3,55,824/- $[(Rs.1642 \times 12 \times 9) - (1/3^{rd} \text{ deduction for personal expenses})] + [(Rs.3000 \times 12 \times 9) + (10\% \text{ future prospects}) - (1/3^{rd} \text{ deduction for personal expenses})]$.

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

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.4,25,824/- and the additional amount is Rs.1,18,224/- (4,25,824 - 3,07,600), payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

02.08.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No