

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

203

FAO No.1640 of 2001 (O&M)

Date of decision: 25.09.2018

Jasbir Kaur and another

... Appellants

Versus

Union of India and ors.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ranjit S. Saini, Advocate for the appellants.

Mr. Arun Gosain, Advocate for Union of India.

Mr. Tarun Walia, Advocate for

Mr. Suvir Sehgal, Advocate for CTU.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Mohinder Singh in a motor vehicular accident that took place on 04.04.1996.

The Tribunal has awarded compensation of Rs.6,71,900/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4600/-
2. Multiplier	18
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.6,62,400/-
5. Expenses on funeral	Rs.2000/-
6. Loss of estate	Rs.2500/-
7. Loss of consortium	Rs.5000/-

However, claimants have been held entitle to 75% of compensation as 25% negligence has been attributed to the deceased and accordingly, claimants have been paid compensation to the tune of Rs.5,03,925/- with interest.

The deceased was a regular employee of Haryana Roadways and his last pay certificate is Ex.P2 wherein gross emoluments are Rs.4607/- per month. Accordingly, income of the deceased is assessed at

Rs.4610/- per month. Claimants shall be entitle to addition in income for future prospects @ 50%. Deduction for personal expenses and multiplier allowed by the Tribunal are correct and affirmed. In view of the above, loss of dependency is calculated at Rs.9,95,760/- [(Rs.4610 x 12 x 18) + (50% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, claimants shall be entitle 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.10,65,760/-. However, claimants shall be entitle to 75% of the total compensation i.e. Rs.7,99,320/-. Accordingly, the additional amount is Rs.2,95,395/- (7,99,320 - 5,03,925), 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 two years. Interest accruing on FDR shall be payable to the widow. All other terms and conditions of the award shall remain intact.

The appeal is disposed of in the aforesaid terms.

25.09.2018

ashok

(REKHA MITTAL)
JUDGE

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