

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
-.-

FAO 345 of 2003 (O&M)
Date of decision: 05.07.2018

Shem Kumari and others *Appellants*
Versus
Atma Ram and others *Respondents*

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

Present: Mr. B S Jolly, Advocate
for the appellants
-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ram Nath in a motor vehicular accident that took place on 02.09.2001.

The Tribunal awarded compensation of Rs.5,18,400.00, payable by Atma Ram, insurance company and Prithvi Raj - respondents No. 1, 3 and 4, respectively, in the claim petition, jointly and severally along with interest at the rate of 9% per annum, detailed hereunder:-

Monthly income of the deceased	Rs.4,000.00
Monthly dependency of the claimants	Rs.2,700.00
Multiplier	16
Loss of dependency	Rs.5,18,400.00

As the insurance company has been held to be jointly and severally liable to pay compensation, service of respondent No. 3 is dispensed with.

Ram Nath was a Truck Driver, his income has been assessed at Rs.4,000.00 per month and the same is ordered to be affirmed. Application for compensation was filed by the widow and four minor children of

deceased Ram Nath, therefore, admissible deduction for personal expenses would be 1/4th. Claimants shall be entitled to addition in income for future prospects at the rate of 25%. Multiplier adopted by the Tribunal is correct and affirmed. In this manner, loss of dependency comes to Rs.7,20,000.00 (Rs.7,68,000.00 *i.e.* 4,000 x 12 x 16 + Rs.1,92,000.00 (25% future prospects) – Rs.2,40,000.00 (1/4th deduction))

Under conventional heads, claimants shall be entitled to Rs.70,000.00, 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:-

Loss of consortium to widow	Rs.40,000.00
Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation is Rs.7,90,000.00 and additional amount is Rs.2,71,600.00 (Rs.7,90,000 – Rs.5,18,400.00) payable with interest at the rate of 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

05.07.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No