

Sr.No.208

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

FAO-2581-2007(O&M)

Date of Decision:-25.07.2018

Smt. Urmila and others

.....Appellants

vs.

Mahender Singh and others

.....Respondents

CORAM HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Deepa Jain, Advocate for the appellants.
Ms.Parveen Dutt, Advocate for the respondents no.1 and 2.
Mr. Amit Jaiswal, Advocate
for Mr. Deepak Jindal, Advocate for respondent no.3.

REKHA MITTAL,J

The claimants are in appeal seeking enhancement of compensation on account of death of Ved Pal Singh in a motor vehicular accident that took place on 10.07.2005.

The Tribunal has awarded compensation of ₹3,45,688/-,
detailed hereunder:-

1.	Monthly income of the deceased	₹3,025/-
2.	Deduction for personal expenses	1/3 rd
3.	Multiplier	14
4.	Loss of dependency	₹3,38,638/-
5.	Expenses of last rites	₹2,000/-
6.	Loss of consortium	₹5,000/-

The liability to pay compensation has been imposed upon the driver and owner jointly and severally whereas the Insurance company has been exonerated in the light of findings that the deceased was a gratuitous passenger in offending vehicle i.e Tata 407 bearing registration No. HR-38K-3707.

The deceased is held to be 42 years old at the time of

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occurrence. The claimants shall be entitled to benefit of increase in income for future prospects @ 25%. Deduction for personal expenses and multiplier adopted by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at ₹4,23,500/- [(3,025/- x 12 x 14) +(25% future prospects) – (1/3rd deduction for personal expenses)].

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

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

Total compensation is ₹4,93,500/- and the additional amount is ₹1,47,812/- (₹4,93,500/- - ₹3,45,688/-) payable with interest @ 7.5% from the date of petition till realization to be shared by the claimants in the ratio 30:35:35. Amount falling to the share of minors shall be invested in fixed deposit, payable on their attaining the age of majority or for a period of three years, whichever is later. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

25.07.2018
mamta

(REKHA MITTAL)
JUDGE

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