

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

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FAO-1350-2010 (O&M)
Date of decision: 26.03.2018

SARBATI DEVI AND ORS.

... Appellants

Versus

ANIL KUMAR AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Saurav Kapoor, Advocate for
Mr. Ashit Malik, Advocate for the appellants.

Mr. Rajneesh Malhotra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ranvir Singh in a motor vehicular accident that took place on 09.10.2008.

The Tribunal has awarded compensation of Rs.4,73,600/- (rounded of to Rs.4,74,000/-), detailed hereunder:-

1. Monthly income of the deceased	Rs.3600/-
2. Multiplier	14
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.4,53,600/-
5. Expenses on funeral	Rs.5000/-
6. Loss of estate	Rs.5000/-
7. Loss of consortium	Rs.10,000/-

Counsel for the appellants would press for enhancement of compensation primarily on two counts. It is argued that claimants are entitled to benefit of future prospects @ 25% in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has supported the award.

Contention raised by counsel for the appellants for extending benefit of future prospects @ 25% is meritorious and granted. In this manner, loss of dependency comes to Rs.5,67,000/- (Rs.3600 x 12 x 14) + (25% future prospects) – (1/4th 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.6,37,000/- and the additional amount is Rs.1,63,000/- (6,37,000 – 4,74,000), payable with interest @ 7.5% per annum from the date of petition till realization, in terms of the award.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

26.03.2018
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Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No