

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

-.-

FAO 4065 of 2010 (O&M)
Date of decision: 03.10.2018

Rajbir Singh and another

..... Appellants

Versus

Manoj Kumar and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Ms. Shelja Sharma, Advocate
for the appellants

Mr. Vinod Gupta, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account death of Rakesh Kumar in a motor vehicular accident that took place on 11.07.2007.

The Tribunal has awarded compensation of Rs.2,88,400.00, detailed hereunder:-

Income of the deceased	Rs.5,838/- p.m.
Deduction for personal expenses	50%
Multiplier	8
Loss of dependency	Rs.2,78,400.00
Expenses of last rites	Rs.10,000.00

Application for compensation has been filed by unfortunate parents of unmarried Rakesh Kumar aged about 24 years. The Tribunal has rightly assessed his income at Rs.5,838.00 per month. Deduction for personal expenses allowed by the Tribunal is correct and accordingly affirmed. The claimants shall be entitle to benefit of increase in income for

future prospects @ 40%. Admissible multiplier, in the given circumstances, would be '18'. In this context, reference can be made to judgments of Hon'ble the Supreme Court *Sarla Verma and others vs. Delhi Transport Corporation and another* 2009(3) R.C.R. (Civil) 77, *Munna Lal Jain and another vs. Vipin Kumar Sharma and others*, (2015) 6 SCC 347 and *National Insurance Company Limited vs. Pranay Sethi and others*, 2017 SC 1270.

In view of the above, loss of dependency is calculated at Rs.8,82,706.00 (Rs.12,61,008.00 i.e. Rs.5,838.00 x 12 x 18 + Rs.5,04,403.00 (40% addition) – Rs.8,82,705.00 (50% deduction)).

Under conventional heads, claimants shall be entitle to Rs.1,10,000.00, detailed hereunder:-

Loss of consortium to parents (Rs.40,000.00 each)	Rs.80,000.00
Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation is Rs.9,92,706.00 and additional amount is Rs.7,04,306.00 (Rs.9,92,706.00 – Rs.2,88,400.00) payable with interest @ 7.5% per annum from the date of petition till realization to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

03.10.2018
mohan bimbura

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