

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

FAO-3145-2011 (O&M)
Date of decision: 18.01.2018

MAYA WATI AND ANR

...Appellants

Versus

VIJAY SINGH AND ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Kulvir Narwal, Advocate
for the appellants.

Mr. Arun Sharma, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Jagvir in a motor vehicular accident that took place on 11.10.2009.

The Tribunal has assessed compensation to the tune of Rs.5,78,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6300/-
2. Multiplier	13
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.5,58,000/-
5. Expenses on funeral	Rs.20,000/-

Counsel for the appellants has submitted that the Tribunal has relied upon testimony of Vijender Singh PW3 with regard to avocation and

salary of deceased Jagvir while working with the firm M/s JPM Tool Ltd., Gurgaon as operator at salary of Rs.10,500/- per month. It is argued that the Tribunal has wrongly ignored the amount of HRA i.e. Rs.4200/- per month, while assessing monthly loss of dependency. Claimants are entitled to increase in income for future prospects @ 40%. As the deceased was in the age bracket of 31 to 35 years, admissible multiplier would be 16 in the light of judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has not disputed that benefit of entire salary mentioned in the certificate Ex.P3 is to be extended to the claimants.

In view of the judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**, claimants shall be entitled to benefit of increase in income for future prospects @ 40%. As the deceased was 32 years old, admissible multiplier is 16. In this manner, loss of dependency comes to Rs.14,11,200/- (Rs.10,500 x 12 x 16) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, claimants shall be entitled to Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss of estate.

The total compensation comes to Rs.14,41,200/- and the

additional amount is Rs.8,63,200/- (14,41,200 – 5,78,000), 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.

18.01.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No