

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

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FAO No.10205 of 2014 (O&M)

Date of decision: 26.07.2018

Sudesh and others

... Appellants

Versus

Shamsher Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Satinder K. Rana, Advocate for the appellants.

Mr. Sukhdarshan Singh, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.15107-CII of 2018

Heard.

Allowed as prayed for. Annexure A1 is taken on record, subject to just exceptions.

Disposed of accordingly.

Main case

The claimants are in appeal seeking enhancement of compensation on account of death of Om Parkash in a motor vehicular accident that took place on 12.11.2012.

The Tribunal has awarded compensation of Rs.12,54,256/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6692/-
2. Addition in income for future prospects	30%
3. Multiplier	14
4. Deduction for personal expenses	1/4 th
5. Loss of dependency	Rs.11,24,256/-
6. Expenses on funeral	Rs.25,000/-
7. Loss of estate	Rs.5000/-
8. Loss of consortium	Rs.1,00,000/-

The sole submission made by counsel for the appellants is that the deceased retired from Army and was getting pension of Rs.8769/- per

month, therefore, claimants are entitled to loss of dependency even qua loss of pension that was received by the deceased. However, counsel for the appellants would fairly inform that after death of Om Parkash, widow is getting family pension either equal to or more than Rs.8769/- per month.

Counsel representing the insurance company, on the contrary, would urge that compensation allowed under conventional heads needs to be restricted to Rs.70,000/- in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.**

The plea of the claimants with regard to their entitlement of pension of Rs.8769/- per month paid to the deceased in the circumstances that widow of the deceased is being paid family pension more than the pension that was being paid to the deceased is not meritorious when examined in the light of judgment of this Court **Charanjit Singh V/s Harish Kumar Sachdeva & Ors, FAO No.10228 of 2014 along with connected cases, decided on 30.01.2018.** In this view of the matter, there is no scope for interference in findings of the Tribunal allowing compensation qua loss of dependency to the tune of Rs.11,24,256/-. The Tribunal has awarded a sum of Rs.1,30,000/- under conventional heads. In view of the latest judgment of Hon'ble the Supreme Court **Pranay Sethi and others's case (supra)**, compensation allowed under conventional heads is modified to the effect that 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/-

Accordingly, compensation awarded by the Tribunal is reduced to the extent of Rs.60,000/- (12,54,256 - 11,94,256).

For the foregoing reasons, the appeal is disposed of in the aforesaid terms.

26.07.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No