

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

216

FAO-10351-2014 (O&M)
Date of decision:12.07.2018

BALWINDER KAUR AND ANR

... Appellants

Versus

SUKHDEV SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Deepak Choudhary, Advocate for the appellants.

Mr. Arjun Lakhanpal, Advocate for respondents No.1, 2b & 2d.

Mr. Vinod Chaudhri, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Surjeet Singh in a motor vehicular accident that took place on 15.07.2012.

The Tribunal has awarded compensation of Rs.4,72,400/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5800/-
2. Multiplier	13
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.4,52,400/-
5. Expenses on funeral and last rites	Rs.10,000/-
6. Loss of estate	Rs.10,000/-

The Tribunal has applied multiplier of 13 on the basis of age of parents of the deceased in place of appropriate multiplier on the basis of age of the deceased. Claimants shall be entitled to loss of dependency by applying multiplier of 18 and addition in income for future prospects @40% as the deceased was 21 years old at the time of occurrence. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Munna Lal Jain and anr. Vs. Vipin Kumar Sharma and ors., 2015 (3) SCC**

(Civil) 315, National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270 and Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77. In this manner, loss of dependency is calculated at Rs.8,76,960/- [(Rs.5800 x 12 x 18) + (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 funeral expenses and Rs.15,000/- for loss to estate.

Total compensation is Rs.9,06,960/- and the additional amount is Rs.4,34,560/- (9,06,960 - 4,72,400), 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**

12.07.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No