

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

FAO-10371-2014 (O&M)
Date of decision: 07.03.2018

BUGGI DEVI AND ORS

... Appellants

Versus

ASHOK KUMAR AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Mohit Garg, Advocate for the appellants.

Mr. Pardeep Kumar, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sohan Lal @ Sheo Narain in a motor vehicular accident that took place on 27.09.2012.

The Tribunal has awarded compensation of Rs.4,95,200/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4800/-
2. Multiplier	11
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.4,75,200/-
5. Loss of consortium, loss of estate and funeral expenses	Rs.20,000/-

Counsel for the claimants would urge that claimants are entitled to increase in income for future prospects and adequate

compensation under conventional heads in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.**

Counsel representing the insurance company has supported the assessment made by the Tribunal.

The deceased was 52 years old as per his age recorded in the postmortem report. The claimants shall be entitled to increase in income for future prospects @ 10% in the light of judgment in **Pranay Sethi's case** (supra). In this manner, loss of dependency comes to Rs.5,22,720/- (Rs.4800 x 12 x 11) + (10% 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.5,92,720/- and the additional amount is Rs.97,520/- (5,92,720 – 4,95,200), payable with interest @ 7.5% per annum from the date of petition till realization to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

07.03.2018

ashok

(REKHA MITTAL)
JUDGE

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