IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-10641-2014 (O&M)
Date of decision: 28.03.2018

KULWINDER KAUR ... Appellant

Versus

CHANDAN YADAV & ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vivek Suri, Advocate
for the appellant.

Mr. Ankit Aggarwal, Advocate for
Mr. RBS Jain, Advocate
for respondent No.3.

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REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Gurpreet Singh son of Paramjit Singh in a motor vehicular accident that took place on 22.09.2013.

The Tribunal has awarded compensation of Rs.4,30,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.2500/-
2. Addition in income for future prospects	50%
3. Multiplier	18
4. Deduction for personal expenses	50%
5. Loss of dependency	Rs.4,05,000/-
6. Expenses on funeral	Rs.25,000/-

Counsel for the appellant would urge that income of the deceased assessed by the Tribunal is on lower side and needs enhancement. It is argued that the deceased was 20 years old and was a student of 10+2 at the relevant time.

Counsel representing the insurance company has supported assessment made by the Tribunal. However, it is argued that addition in income for future prospects should be 40% 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 Tribunal has noticed that the deceased was 20 years old as per the school certificate produced by the claimant. Taking into consideration the minimum wage of an unskilled labour available at the relevant time, income of the deceased is assessed at Rs.6000/- per month. Claimant shall be entitled to addition in income qua future prospects @40%. Deduction for personal expenses and multiplier applied by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs.9,07,200/- (Rs.6000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimant shall be entitled to Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss of estate.

Total compensation is Rs.9,37,200/- and the additional amount is Rs.5,07,200/- (9,37,200 – 4,30,000), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

28.03.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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