In the High Court of Punjab and Haryana at Chandigarh

FAO No. 1798 of 2014(O&M)
Date of Decision:24.8.2018

IFFCO TOKIA General Insurance Company Limited ---Appellant
vs.

Kumud Gupta and others ---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal
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Present: Mr. Vipul Sharma, Advocate
for Mr. Paul S.Saini, Advocate for the appellant
Mr. Neeraj Khanna, Advocate for respondents No. 1 and 2
None for respondents No. 3 and 4

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Rekha Mittal, J.

The present appeal directs challenge against award dated 24.12.2013 passed by the Motor Accidents Claims Tribunal, Panchkula (in short "the Tribunal") whereby compensation has been assessed on account of death of Rupanshi Gupta in a motor vehicular accident that took place on 27.9.2010.

The Tribunal has assessed compensation of Rs. 47,10,000/-, detailed hereunder:-

Annual income of the deceased	3,00,000/-
Addition in income for future prospects	30%
Deduction for personal expenses	1/3rd
Multiplier	18
Loss of dependency	Rs. 46,80,000/-
Funeral expenses	Rs. 25,000/-
Loss to estate	Rs. 5,000/-

The deceased was a student of B.Tech Computer Science in College of Engineering at Mullana (Haryana). The Tribunal has assessed income of the deceased on the basis of testimony of Abhishek Khurana PW1, a class mate of Rupanshi Gupta who was examined to depose about his earning after completing B.Tech in Computer Science from Mullana. Admittedly, claimants have not produced on record any certificate with regard to academic records of the deceased viz-a-viz that of Abhishek Khurana. However, it remains a fact that the deceased was a student of final year of B.Tech Computer Science in M.M. University, Mullana. Taking into consideration technical qualification the deceased was likely to complete in near future, interest of justice would be served if her income is assessed at Rs. 20,000/- per month. The claimants are entitled to 40% increase in income qua future prospects. However, deduction for personal expenses would be 50%. Multiplier adopted by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.30,24,000 [20,000 x12 x 18 =43,20,000 + 17,28,000 (40%) =60,48,000- 30,24,000 (50%).

Under conventional heads, claimants are held entitled to Rs. 30,000/-, detailed hereunder:-

Funeral expenses Rs. 15,000/-
Loss of estate Rs. 15,000/-

Total compensation is Rs. 30,54,000/- and compensation allowed by the Tribunal is reduced to the extent of Rs.16,56,000/-. The insurance company is entitled to recover the excess amount, if already paid.

The appeal is disposed of in the aforesaid terms.

(Rekha Mittal)
Judge

24.8.2018
paramjit

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