

In the High Court of Punjab and Haryana at Chandigarh

FAO-1279 of 2015
Date of Decision:12.1.2018

Neetu and others

---Appellants

vs.

Lekh Raj and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rohit Rana, Advocate
for the appellants
Mr. Rajbir Singh, Advocate
for the insurance company

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Dasrath in a motor vehicular accident that took place on 5.12.2012.

The Motor Accidents Claims Tribunal, Palwal (in short “the Tribunal”) has awarded compensation of Rs. 6,11,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 4500/- per month
Deduction for personal expenses	1/3 rd
Multiplier	16
Loss of dependency	36000x16=5,76,00/-
Loss of consortium and love and affection	Rs. 20,000/-
Loss of estate	Rs. 5,000/-
Funeral expenses	Rs. 10,000/-

Counsel for the claimants would urge that the Tribunal has not

allowed benefit of increase in income for future prospects @ 40%. The application for compensation was filed by the widow, two minor children and parents of deceased Dasrath, therefore, deduction for personal expenses should be 1/4th in the light of enunciation laid down by Hon'ble the Supreme Court of India in **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298**. Adequate compensation may be allowed under conventional heads.

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

The claimants are entitled to increase in income for future prospects @ 40%. As the application for compensation was filed by the widow, two minor children and parents of deceased, admissible deduction would be 1/4th. Multiplier applied by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs. 4500 x12 x16= 8,64,000 + 3,45,600(40%)=12,09,600 – 3,02,400(1/4th)=**Rs. 9,07,200/-**

Under conventional heads, claimants shall be entitled to following compensation in the light of judgment of Hon'ble the Supreme Court of India **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270:-**

Loss of consortium to widow	Rs. 40,000/-
Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

The total compensation comes to **Rs.9,77,200/-** and the additional amount is **Rs. 3,66,200/-** (9,77,200- 6,11,000), payable with interest at the rate of 7.5% per annum from the date of petition till

realization to minor children of the deceased in equal share, to be deposited in fixed deposit till they attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

12.1.2018
paramjit

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