

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

207

FAO-350-2013 (O&M)  
Date of decision: 03.04.2018

AMARJIT KAUR ETC

... Appellants

Versus

LAKHVIR SINGH ETC

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Manish K. Singla, Advocate for the appellants.

Mr. R.C. Kapoor, Advocate for the insurance company.

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**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation on account of death of Sukhpal Singh son of Gorakh Singh in a motor vehicular accident that took place on 27.06.2011.

The Tribunal has awarded compensation of Rs.3,26,000/-, detailed hereunder:-

|                                    |               |
|------------------------------------|---------------|
| 1. Monthly income of the deceased  | Rs.3000/-     |
| 2. Multiplier                      | 18            |
| 3. Deduction for personal expenses | 50%           |
| 4. Loss of dependency              | Rs.3,24,000/- |
| 5. Expenses on funeral             | Rs.2000/-     |

Counsel for the appellants would argue that compensation awarded by the Tribunal needs enhancement in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. Another submission made by counsel that income of the deceased assessed by the Tribunal is on lower side.

Counsel representing the insurance company has not disputed entitlement of the claimants to benefit of future prospects and compensation of Rs.30,000/- under conventional heads.

The Tribunal has assessed income of the deceased at Rs.3000/- per month. Taking a clue from the notification issued by the State of Punjab fixing minimum wages at the relevant time, income of the deceased is assessed at Rs.4000/- per month. Claimants shall be entitled to increase in income for future prospects @ 40% as the deceased was 23 years old. Deduction for personal expenses and multiplier adopted by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs.6,04,800/- (Rs.4000 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/- expenses on funeral and Rs.15,000/- for loss of estate.

Total compensation is Rs.6,34,800/- and the additional amount is Rs.3,08,800/- (6,34,800 – 3,26,000), 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.

03.04.2018  
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**(REKHA MITTAL )**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No