

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

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FAO-2076-2014 (O&M)
Date of decision: 26.11.2018

AMIR SINGH AND ANOTHER

... Appellants

Versus

BALKAR SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.
Mr. Indresh Goel, Addl. A.G., Haryana.
Mr. Puneet Sharma, Advocate for respondent No.4.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Priyanka @ Pinki in a motor vehicular accident that took place on 11.07.2012.

The Tribunal has awarded compensation of Rs.4,43,000/-, detailed hereunder:-

1. Annual income of the deceased	Rs.40,000/-
2. Multiplier	14
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.3,78,000/-
5. Expenses on transportation and last rites	Rs.15,000/-
6. Loss of love and affection	Rs.50,000/-
	(Rs.25,000/- each)

The deceased was a student of 10+2. The claimants placed on record Certificate of School Ex.P4, Certificate of Health and Safety Care Society Ex.P5, Certificate of Secondary Examination Ex.P6 and Certificate of National Education Society, Tohana Ex.P7. Taking into consideration the minimum wage available at the relevant time coupled with educational qualification of the deceased, income of the deceased is assessed at Rs.5000/-. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses would be 50% in the light of judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs**

Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77. As the deceased was less than 20 years of age, admissible multiplier is 18 in the light of judgments of Hon'ble the Supreme Court **Sarla Verma and others's case (supra), Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.** Accordingly, loss of dependency is calculated at Rs.7,56,000/- [(5000 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 claimants shall be entitle to Rs.1,10,000/-, detailed hereunder:-

1. Loss of consortium to the parents	Rs.80,000/- (Rs.40,000/- each)
2. Loss to estate	Rs.15,000/-
3. Expenses on last rites	Rs.15,000/-

Total compensation is Rs.8,66,000/- and the additional amount is Rs.4,23,000/- (8,66,000 - 4,43,000), payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay of 72 days in filing the appeal, to mother of the deceased. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

26.11.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No