

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

227

FAO-1932-2015 (O&M)
Date of decision: 08.05.2018

DARSHNA DEVI AND ANR

... Appellants

Versus

AMRIT PAL AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Balraj Gujjar, Advocate for the appellants.

Mr. Rajneesh Malhotra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ravi in a motor vehicular accident that took place on 29.02.2012.

The Tribunal has awarded compensation of Rs.3,56,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4000/-
2. Multiplier	14
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.3,36,000/-
5. Expenses on funeral	Rs.20,000/-

The deceased was 18½ years old student of 10+1. Taking a clue from the minimum wage available at the relevant time, income of the deceased is assessed at Rs.5000/- per month. Claimants shall be entitled to addition for future prospects @ 40%. As the deceased was less than 20 years of age, admissible multiplier is 18. In this context, reference can be made to judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, 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. In this manner, loss of dependency comes to Rs.7,56,000/- (Rs.5000 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/- for funeral expenses and Rs.15,000/- for loss to estate.

Total compensation is Rs.7,86,000/- and the additional amount is Rs.4,30,000/- (7,86,000 - 3,56,000), 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.

**(REKHA MITTAL)
JUDGE**

08.05.2018

ashok

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No