

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

222

FAO-3914-2014 (O&M)
Date of decision: 14.11.2018

RAJNI CHANDILA & ORS

... Appellants

Versus

DEVENDRA VISHNU PATIL & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vishal Nehra, Advocate for the appellants.

Mr. Pardeep Goyal, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Rajeev Chandila in a motor vehicular accident that took place on 26.08.2011.

The Tribunal has awarded compensation of Rs.20,58,000/-,
detailed hereunder:-

1. Monthly income of the deceased	Rs.16,803/-
2. Multiplier	16
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.20,48,000/-
5. Loss of consortium	Rs.10,000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. The application for compensation has been filed by the widow, three minor children and parents of the deceased, therefore, admissible deduction for personal expenses would be 1/4th. Multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.33,87,484/- [(Rs.16,803 x 12 x 16) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, claimants shall be entitle to Rs.1,90,000/-, detailed hereunder:-

1. Loss of consortium to claimants No.1 to 4	Rs.1,60,000/- (Rs.40,000/- each)
2. Loss to estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.35,77,484/- and the additional amount is Rs.15,19,484/- (35,77,484 – 20,58,000), payable with interest @7.5% per annum from the date of petition till realization, to claimants No.2 to 4 in equal share, to be invested in fixed deposits till they attain the age of majority or for a period of three years, whichever is later. Interest accruing on FDRs shall be payable to mother of the minors for meeting expenses on their education and living.

The appeal is partly allowed in the aforesaid terms.

14.11.2018

ashok

(REKHA MITTAL)
JUDGE

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