IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

228 FAO-2422-2015 (O&M)

Date of decision: 21.05.2018

VIJAY KUMAR AND ANR. ... Appellants

Versus

UMESH KUMAR AND ORS. ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Gulshan Nandwani, Advocate for the appellants.

Mr. Nikhil Chopra, 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 their son namely Manish @ Sonu in a motor vehicular accident that took place on 13.10.2011.

The Tribunal has awarded compensation of Rs.4,36,536/- (rounded of to Rs.4,36,500/-), detailed hereunder:-

1. Monthly income of the deceased	Rs.3475/-
2. Addition in income for future prospects	50%
3. Multiplier	13
4. Deduction for personal expenses	50%
5. Loss of dependency	Rs.4,06,536/-
6. Expenses on funeral	Rs.25,000/-
7. Loss of estate	Rs.5000/-

The claimants examined Anil Kumar, Assistant Executive (HR), Dhir Industrial Pvt. Ltd., Gurgaon to prove employment and salary of deceased paid by the aforesaid concern. Three salary slips Exs.PW4/1, PW4/2 and PW4/3 for the months of July, 2011, October and November, 2010 respectively were produced on record. As per the latest salary slip for the month of July, 2011, basic pay at one place is mentioned as Rs.4633/- and the other place Rs.4035/-. Taking a clue from minimum wage available at the relevant time which was Rs.4800/- per month coupled with the salary slip Ex.PW4/1, income of the deceased is assessed at Rs.4600/- per month. Claimants shall be entitled to benefit of future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is affirmed. However, admissible multiplier is 18 as the deceased was 23 years old. In this context, reference can be made to judgments of Hon'ble the Supreme Court **Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315, Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77** and **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. In this manner, loss of dependency comes to Rs.6,95,520/- (Rs.4600 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 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.7,25,520/- and the additional amount is Rs.2,89,020/- (7,25,520 - 4,36,500), 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

21.05.2018
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Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No