

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

**FAO No.4810 of 2013 (O&M)
Date of Decision:16.01.2018**

Reliance General Insurance Co. Ltd.Appellant
vs.

Amarjeet Kaur and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Suman Jain, Advocate for the appellant.

None for respondents No.1, 3 and 5.

Ramendra Jain (Oral)

Learned counsel for the appellant submits that previous order regarding furnishing of correct address of respondent No.2 could not be complied with in view of the fact that he as on date is living abroad as is clear from the order dated 18.03.2014.

Heard.

Learned counsel for the appellant contends that the controversy regarding grant of compensation under conventional heads has been set at rest by the Apex Court in **National Insurance Co. Ltd., v. Pranay Sethi and others, 2017(4) R.C.R (Civil) 1009**, whereby maximum compensation under the consortium, funeral expenses and loss of estate cannot be granted more than ₹70,000/- whereas in the instant case, the Tribunal has awarded ₹1 lakh to respondent No.1 towards consortium, ₹2 lakhs towards love and affection to respondents No.2 and 3 each and ₹25,000/- towards funeral expenses.

Having given thoughtful consideration to the above submissions made by learned counsel for the appellant- Insurance Company and going through the above referred authority, I find that the compensation

of ₹5,25,000/- awarded by the Tribunal to respondents No.1 to 3- claimant under conventional heads like loss of consortium, loss of love and affection and funeral expenses is liable to be reduced to ₹70,000/-.

Ordered accordingly.

Learned counsel for the appellant- Insurance Company has fairly conceded that the Tribunal ought to have granted some compensation to the respondents- claimant No.1 to 3 towards future prospects.

Therefore, considering the income of the deceased arrived at by the Tribunal to the tune of ₹44,000/- per annum, 10% more is added to the same in view of age of the deceased at the time of his death as 54 years.

Accordingly, the dependency of the claimant upon deceased is taken at ₹48,400/- per annum. Applying the multiplier of 11 to the same, the total dependency of respondents No.1 to 3 – claimant comes to ₹5,32,400/- (₹48,400/- x 11 = ₹5,32,400/-).

In view of the discussion made above, the amount awarded by the learned Tribunal, Kurukshetra to respondents No.1 to 3 – claimant to the tune of ₹11,09,000/- is reduced to ₹6,02,400/- (₹5,32,400/- + ₹70,000/- = ₹6,02,400/-). Respondents No.1 to 3 – claimant, are also awarded a sum of ₹11,000/- towards cost of litigation. The aforesaid compensation shall be payable by the appellant with interest @ 9% per annum from the date of filing of the claim petition till actual realisation.

January 16, 2018
renu

(RAMENDRA JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No