

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

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FAO-4246-2014 (O&M)
Date of decision: 21.09.2018

RANJEET AND ANR

... Appellants

Versus

VIDHYA NAND AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ravi Malik, Advocate for
Mr. Sanjeev K. Panwar, Advocate for the appellants.

Mr. Yugraj Singh, Advocate for
Mr. Bhupinder S. Dalal, Advocate for respondents No.1 and 2.

Mr. Rajbir Singh, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Parmod, aged about 19 years in a motor vehicular accident that took place on 19.12.2011.

The Tribunal has awarded compensation of Rs.3,12,400/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.3600/-
2. Split multiplier	5+11
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.3,02,400/-
5. Expenses on transportation and last rites	Rs.10,000/-

The plea of claimants is that the deceased was doing Diploma in Civil Engineering and had been helping his parents in agricultural work thereby earning Rs.15,000/- per month. The claimants have produced on record certificate Mark B with regard to deceased doing Diploma in Civil Engineering in CDRZ Polytechnic, Beri, District Jhajjar. Taking a clue from minimum wage available at the relevant time coupled with educational qualification of the deceased, interest of justice would be served, if income

of the deceased is assessed at Rs.5200/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses would be 50%. The Tribunal has applied split multiplier but the same is not tenable in the light of judgment of this Court **Jasmel Kaur and another Vs. Sukhraj Singh and others, FAO No.4858 of 2012 and another connected case, decided on 07.02.2018**. In view of age of the deceased, the appropriate multiplier is 18. Accordingly, loss of dependency is calculated at Rs.7,86,240/- [(Rs.5200 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, claimants shall be entitle to a sum of Rs.1,10,000/-, detailed hereunder:-

1. Filial consortium	Rs.80,000/-
2. Loss of estate	Rs.15,000/-
3. Expenses on last rites	Rs.15,000/-

Total compensation is Rs.8,96,240/- and the additional amount is Rs.5,83,840/- (8,96,240 - 3,12,400), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

Disposed of accordingly.

21.09.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No