

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

220

FAO No.2099 of 2016 (O&M)

Date of decision: 29.05.2018

SUKHJEET KAUR AND OTHERS

.. Appellants

Versus

ARVIND KUMAR AND OTHERS

.. Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Surinder Garg, Advocate for the appellants.

Mr. Sukhdarshan Singh, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-7885-CII-2016

Heard.

Allowed as prayed for. Delay of 185 days in filing the appeal stands condoned subject to the condition that the claimants shall forgo interest for the period of delay in case compensation is enhanced.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Gurlabh Singh in a motor vehicular accident that took place on 06.07.2012.

The Tribunal has awarded compensation of Rs.12,29,800/- (rounded of to Rs.12,30,000/-), detailed hereunder:-

1. Monthly income of the deceased	Rs.8084/- (rounded of to Rs.8000/-)
2. Multiplier	18
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.11,44,800/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of love and affection to minor children	Rs.60,000/-

The Tribunal has held that the deceased was drawing salary of Rs.8084/- per month while working as conductor in PRTC, Faridkot Depot but his income was assessed at Rs.8000/- per month in the process of rounding off. The Tribunal has forgotten that in the process of rounding off, loss cannot be caused to the claimants. Accordingly, income of the deceased is assessed at Rs.8100/- per month. Claimants shall be entitled to benefit of future prospects @ 40% as the deceased was 28 years old. Deduction for personal expenses allowed by the Tribunal is affirmed. However, admissible multiplier is 17 as the deceased was more than 26 years old. In this manner, loss of dependency comes to Rs.15,42,240/- [(Rs.8100 x 12 x 17) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitled to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.16,12,240/- and the additional amount is Rs.3,82,240/- (16,12,240 – 12,30,000), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay. Even interest, on the compensation assessed by the Tribunal, shall be payable @ 7.5% per annum from the date of petition till payment.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

29.05.2018

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No