

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

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FAO-3281-2015 (O&M)
Date of decision: 20.11.2018

SAVITA SHARMA AND ANR

... Appellants

Versus

HARJINDER SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Naveen Sharma, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Mukesh Kumar Sharma in a motor vehicular accident that took place on 07.05.2013.

The Tribunal has awarded compensation of Rs.6,79,400/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.7700/-
2. Multiplier	9
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.5,54,400/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-

Counsel for the claimants would pray for enhancement of compensation by allowing benefit of future prospects and appropriate multiplier on the basis of date of birth of deceased recorded in Pan Card Ex.P4.

Counsel representing the insurance company, on the contrary, would urge that compensation allowed under conventional heads needs modification in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.**

The deceased was more than 50 years of age but less than 60 years. Claimants shall be entitle to addition in income for future prospects @ 10%. The claimants produced on record copy of Pan Card Ex.P4 and copy of driving licence Ex.P5 recording date of birth as 23.04.1958 and 23.04.1957, respectively. Age of the deceased recorded in the postmortem report is in consonance with his date of birth recorded in the driving licence. In the given scenario, the Tribunal has rightly applied multiplier of 9 for computing loss of dependency. In view of the above, loss of dependency is calculated at Rs.6,09,840/- $[(7700 \times 12 \times 9) + (10\% \text{ future prospects}) - (1/3^{\text{rd}} \text{ deduction for personal expenses})]$.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.1,10,000/-, detailed hereunder:-

- | | |
|--|---------------------------------|
| 1. Loss of consortium to the claimants | Rs.80,000/-
(Rs.40,000 each) |
| 2. Loss to estate | Rs.15,000/- |
| 3. Funeral expenses | Rs.15,000/- |

Total compensation is Rs.7,19,840/- and the additional amount is Rs.40,440/- (7,19,840 - 6,79,400), payable with interest @ 7.5% per annum from the date of petition till realization, to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

20.11.2018

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No