

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

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FAO-2278-2016 (O&M)
Date of decision: 01.06.2018

PUSHPA DEVI ETC

... Appellants

Versus

RAVINDER SINGH AND OTHERS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Gunjan Gera, Advocate for
Mr. Arvind Rajotia, Advocate for the appellants.

Ms. Priya Deep, Advocate for
Mr. Ashwani Talwar, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Raj Kamal Shah @ Raju Shah in a motor vehicular accident that took place on 11.03.2014.

The Tribunal has awarded compensation of Rs.12,37,500/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.7500/-
2. Multiplier	15
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.10,12,500/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-
7. Loss of love and affection	Rs.1,00,000/-

The deceased was in the age bracket of 36 to 40 years and accordingly multiplier of 15 has been applied. Claimants shall be entitled to addition in income for future prospects @ 40%. Multiplier and deduction for personal expenses allowed by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs.14,17,500/- [(Rs.7500 x 12 x 15) + (40% future prospects) – (1/4th 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.14,87,500/- and additional amount is Rs.2,50,000/- (14,87,500 - 12,37,500), payable with interest @ 7.5% per annum from the date of petition till realization, to the claimants in terms of award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

01.06.2018

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Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No