

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

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FAO-331-2015 (O&M)
Date of decision: 10.10.2018

SATPAL ARORA & ANR

... Appellants

Versus

HARDEEP SINGH @ DEEPA & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Tanuj Kumar, Advocate for the appellants.

Mr. Lalit Garg, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

Respondents No.1 and 2 have been served but remain unrepresented.

The claimants are in appeal seeking enhancement of compensation on account of death of Deepak Arora in a motor vehicular accident that took place on 05.07.2012.

The Tribunal has awarded compensation of Rs.3,69,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	9
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.3,24,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of love and affection	Rs.20,000/-
	(Rs.10,000/- each)

The plea of claimants is that the deceased aged about 29 years, unmarried son was doing property dealing business and earning Rs.12,000/- per month. The Tribunal has noticed that claimants failed to adduce satisfactory much less cogent evidence to substantiate their plea with regard to avocation and income of the deceased and accordingly, assessed income of the deceased at Rs.6000/- per month which is more than the minimum wage available at the relevant time. As such, findings of the Tribunal with regard to assessment of income of the deceased are affirmed.

However, claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. As the deceased was in the age bracket of 26 to 30 years, admissible multiplier would be 17. In this manner, loss of dependency is calculated at Rs.8,56,800/- [(Rs.6000 x 12 x 17) + (40% future prospects) – (50% 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 parents	Rs.40,000/- each
2. Loss to estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.9,66,800/- and the additional amount is Rs.5,97,800/- (9,66,800 - 3,69,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

10.10.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No