

FAO- 3492 of 2015(O&M)
Date of Decision: 7.9.2018

Azad Kaur and another

---Appellants

versus

Rajender and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Nameet Khurana, Advocate
for Mr. Sandeep Singh, Advocate
for the appellants

Ms. Sakhshi Saini, Advocate
for Mr. HPS Ishar, Advocate
for respondent No. 1

None for the insurance company

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Satish in a motor vehicular accident that took place on 14.12.2012.

The Motor Accidents Claims Tribunal, Bhiwani (in short “the Tribunal”) has awarded compensation of Rs.6,93,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 5,000/-
Increase in income for future prospects	30%
Deduction for personal expenses	½
Multiplier	17
Loss of dependency	Rs.6,63,000/-
Funeral expenses	Rs. 25,000/-
Loss of estate	Rs. 5,000/-

The claimants shall be entitled to addition in income for future prospects @ 40%. Deduction for personal expenses, income assessed and multiplier adopted by the Tribunal are correct and affirmed. In this manner, loss of dependency comes to Rs. 7,14,000/-[5000 x 12 x 17 = 10,20,000 + 4,08,000 = 14,28,000 -7,14,000].

Compensation awarded under conventional heads is modified to the effect that claimants shall be entitled to Rs. 30,000/-, detailed hereunder:-

Loss of estate Rs. 15,000/-

Expenses on funeral Rs. 15,000/-

Total compensation is Rs. 7,44,000/- and the additional amount is Rs. 51,000/- (7,44,000-6,93,000), payable with interest @ 7.5% per annum from the date of petition till realization to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

7.9.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No