

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

214

FAO-5212-2014 (O&M)
Date of decision: 02.05.2018

ROSHANI DEVI & ORS

... Appellants

Versus

RAMPAL & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Naveen Mandhan, Advocate for
Mr. Pankaj Bali, 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 Raj Kumar in a motor vehicular accident that took place on 06.11.2010.

The Tribunal has awarded compensation of Rs.4,30,800/- (rounded of to Rs.4,31,000/-), detailed hereunder:-

1. Monthly income of the deceased	Rs.4200/-
2. Multiplier	11
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.4,15,800/-
5. Expenses on transportation and last rites	Rs.5000/-
6. Loss of consortium	Rs.10,000/-

As per findings of the Tribunal in para 23 of the award, deceased was 55 years old. Claimants shall be entitled to addition for future prospects @ 10%. Multiplier and deduction for personal expenses allowed by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs.4,57,380/- (Rs.4200 x 12 x 11) + (10% future prospects) – (1/4th deduction for personal expenses).

Under conventional heads, 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.5,27,380/- and the additional amount is Rs.96,380/- (5,27,380 – 4,31,000), payable with interest @ 7.5% per annum from the date of petition till realization, in terms of award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

02.05.2018

ashok

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No