IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5254-2014 (O&M)
Date of decision: 15.02.2018

BABITA AND ORS ... Appellants

Versus

JABIR AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rohit Rana, Advocate for
Mr. Kunal Dawar, Advocate
for the appellants.

Ms. Monika, Advocate for
Mr. Munfaid Khan, Advocate
for respondent No.1.

Mr. R.C. Gupta, Advocate
for the insurance company.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Purushottam in a motor vehicular accident that took place on 21.03.2013.

The Tribunal has awarded compensation of Rs.6,06,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	16
3. Deduction for personal expenses	1/3rd
4. Loss of dependency	Rs.5,76,000/-

5. Expenses on funeral	Rs.5000/-
6. Loss of estate	Rs.5000/-
7. Loss of consortium	Rs.20,000/-

Counsel for the appellants would argue that the deceased was issued certificate by Model Industrial Vocational Training Institute in the trade of Steno (English) in July, 2004. He also passed Ist year of MBA in Human Resource Management from Eastern Institute for Integrated Learning in Management University, Sikkim, evident from the certificate Ex.P5. According to counsel, in view of educational qualification of the deceased, adequate compensation may be allowed qua loss of dependency. In addition, it is argued that as the deceased was 30 years old, appropriate multiplier is 17. Claimants are entitled to increase in income for future prospects @ 40%. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has supported the award with the submission that adequate compensation has been allowed.

The Tribunal has assessed income of the deceased at Rs.4500/- per month on the basis of wage of casual workman @ Rs.150/- per day, despite noticing the certificates Exs.P3 and P5 proved on record. Taking a clue from the minimum wage available to a highly qualified workman at the relevant time coupled with educational/technical qualification of the deceased, interest of justice would be served if income of the deceased is assessed at Rs.7000/- per month. As the deceased was slightly more than 30 years of age, admissible multiplier is 17. Claimants are allowed benefit of increase of income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs.13,32,800/- (Rs.7000 x 12 x 17) + (40% future prospects) – (1/3rd deductions for personal expenses).

Under conventional heads, claimants shall be entitled to Rs.70,000/-, in the light of latest judgment of Hon'ble the Apex Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**, 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.14,02,800/- and the additional amount is Rs.7,96,800/- (14,02,800 – 6,06,000), payable with interest @7.5% per annum from the date of petition till realization to Naitika son of the deceased, to be deposited in FDR payable on his attaining age of majority or for a period of three years, whichever is later. The interest accruing on FDR shall be payable to mother of the minor for meeting expenses on his education and living.

The appeal is partly allowed in the aforesaid terms.

15.02.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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