IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 2640 of 2016 (O&M)
Date of decision : October 11, 2018

United India Insurance Co. Ltd.

.... Appellant

Versus

Lichhma Devi and others

.... Respondents

FAO No. 2641 of 2016 (O&M)

United India Insurance Co. Ltd.

.... Appellant

Versus

Manohari Devi and others

.... Respondents

FAO No. 2647 of 2016 (O&M)

United India Insurance Co. Ltd.

.... Appellant

Versus

Krishana alias Santro and others

.... Respondents

FAO No. 2650 of 2016 (O&M)

United India Insurance Co. Ltd.

.... Appellant

Versus

Kailash and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Paul S. Saini , Advocate with
Mr. Vipul Sharma, Advocate
for the Insurance Company.

Mr. Dheeraj Naruala, Advocate
for the claimants.

Mr. Surjeet Bhadu, Advocate
for driver and owner.

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REKHA MITTAL J (Oral).
FAO No. 2640 of 2016 (O&M) &
Cross Objection No.250-CII of 2016

With regard to death of Subhash, Tribunal has awarded compensation to the tune of Rs.5,61,000/-, detailed hereunder:-

S.No.	Heads of claim	Amount (Rs.)
1.	Monthly income of the deceased	3,000/-
2.	Multiplier	18
3.	Deduction for personal expenses	50%
4.	Addition for future prospects	50%
5.	Loss of dependency	4,86,000/-
6.	Last rites and funeral expenses	25,000/-
7.	Loss of love and affection	50,000/-
8.	Total	5,61,000/-

The Tribunal has assessed income of the deceased aged 20 years to the tune of Rs.3,000/- per month. The minimum wage at the relevant time for an un-skilled labourer was Rs.5,639.50 per month, accordingly, income is assessed at Rs. 5650/- per month. The addition in income for future prospects would be 40%. The deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner loss of dependency comes to Rs.8,54,280/- [(5,650 x 12 x 18) + (40% future prospects)- (50% deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that parents of the deceased shall be entitle to following compensation:-

S.No.	*Heads of claim*	*Amount*
1.	Loss of consortium to the parents	Rs. 80,000/- (Rs.40,000/- each)
2.	Expenses on last rites	Rs.15,000/-
3.	Loss to estate	Rs. 15,000/-.

Total compensation is Rs. 9,64,280/- and the additional amount is Rs. 4,03,280/- (9,64280-5,61,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal and cross objections are disposed of in the aforesaid terms.

FAO No. 2641 of 2016 &
Cross Objection No.248-CII of 2016

The Tribunal has awarded compensation of Rs.5,61,000/-, with regard to death of Dhiraj Kumar aged 22 years.

In view of findings recorded in FAO No. 2640 of 2016 and cross objections No.250-CII of 2016 decided vide order of even date, claimants shall be entitle to compensation of Rs.9,64,280/- and the additional amount is Rs.4,03,280/- (9,64,280- 5,61,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal and cross objections are disposed of in the aforesaid terms.

FAO No. 2647 of 2016(O&M) &
Cross Objection No.252-CII of 2016

With regard to death of Rakesh, the Tribunal has awarded compensation to the tune of Rs.4,86,000/- towards loss of dependency and Rs. 75,000/- under conventional head. In addition, an amount of Rs.40,715 has been allowed for medical expenses making total compensation to Rs. 6,01,715/-.

The claimants have placed on record certificates regarding educational qualification of the deceased Mark A to Mark-C as an evidence that he had done Senior Secondary Examination in 2013 and was student of B.S.T.C (General). Taking a clue from the notification fixing minimum wage coupled with qualification of the deceased, his income is assessed at Rs. 6,000/- per month. Addition in income, deduction for personal expenses, multiplier shall remain the same as allowed qua death of Subhash and Dhiraj Kumar hereinbefore. In this manner, loss of dependency is calculated at Rs.9,07,200/- [(6,000/- x 12 x 18) + (40% future prospects) -(50% deduction for personal expenses)] .

Under the conventional heads, parents of the deceased shall be entitle to Rs. 1,10,000/-, detailed hereunder:-

S.No.	***Heads of claim***	***Amount***
1	Loss to estate	Rs. 15,000/-
2	Funeral expenses	Rs. 15,000/-
3	Loss of consortium to parents of the deceased	Rs.80,000/- (Rs.40,000/-each)

Medical expenses of Rs. 40,715/- allowed by the Tribunal are affirmed.

Total compensation is Rs.10,17,200/- + 40,715 = 10,57,915/- and the additional amount is Rs.4,56,200/- (10,57,915 – 6,01,715), payable with interest @ 7.5% per annum from the date of petition till realization to mother of the deceased.

The appeal and cross objections are disposed of in the aforesaid terms.

FAO No. 2650 of 2016

With regard to death of Sanjay Kumar, the Tribunal has awarded compensation to the tune of Rs. 8,23,000/- detailed hereunder:-

S.No.	Heads of claim	Amount (Rs.)
1.	Monthly income of the deceased	3,000/-
2.	Multiplier	18
3.	Deduction for personal expenses	1/3rd
4.	Addition in income for future prospects	50%
5.	Loss of dependency	6,48,000/-
6.	Loss of love and affection	50,000/-
7.	Loss of consortium	1,00,000/-
8.	Funeral expenses	25,000/-
	Total	8,23,000/-

In view of findings recorded in FAO No. 2640 of 2016 income of the deceased is assessed at Rs.5650/- per month. Addition in income for future prospects would be 40%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed.

In this manner, loss of dependency is calculated at Rs.11,39,040/- [(5650/- x 12 x 18) + (40% future prospects) -(1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/-, detailed hereunder:-

S.No.	*Heads of claim*	*Amount*
1	Loss to estate	Rs. 15,000/-

S.No.	***Heads of claim***	***Amount***
2	Funeral expenses	Rs. 15,000/-
3	Loss of consortium to the widow	Rs. 40,000/-
	Total	Rs. 70,000/-

Total compensation is Rs.12,09,040/- and the additional amount is Rs.3,86,040/- (12,09,040 – 8,23,000) payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by widow and mother of the deceased in equal ratio.

The appeal is disposed of in the aforesaid terms.

October 11, 2018 **(REKHA MITTAL)**
archana **JUDGE**