IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-267-2016 (O&M)
Date of decision: 23.03.2018

RAJNI DEVI AND ORS ... Appellants

Versus

MUNTAZIR AND ANR ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. J.S. Cooner, Advocate
for the appellants.

Mr. Arun Walia, Sr. Advocate with
Mr. Marinal Sharma, 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 Jagmal Singh in a motor vehicular accident that took place on the intervening night of 15/16.08.2012.

The Tribunal has awarded compensation of Rs.9,45,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	15
3. Deduction for personal expenses	1/3rd
4. Loss of dependency	Rs.7,20,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of estate	Rs.1,00,000/-
7. Loss of consortium, loss of care and guidance for minor children	Rs.1,00,000/-

Counsel for the appellants would argue that the Tribunal has not allowed benefit of increase in income for future prospects @ 40% as the deceased was less than 40 years of age.

Counsel representing the insurance company, on the other hand, would urge that conventional heads may be restricted to Rs.70,000/- in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**.

Contention raised by counsel for the appellants for grant of benefit of future prospects @ 40% is meritorious in the light of judgment in **Pranay Sethi's case** (supra). In this manner, loss of dependency comes to Rs.10,08,000/- (Rs.6000 x 12 x 15) + (40% future prospects) – (1/3rd deduction for personal expenses). Similarly, compensation awarded under conventional heads is restricted to Rs.70,000/- in the light of judgment in **Pranay Sethi's case** (supra), detailed hereinbelow:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.10,78,000/- and the additional amount is Rs.1,33,000/- (10,78,000 – 9,45,000), payable with interest @7.5% per annum from the date of petition till realization, to be shared by the claimants in equal proportion. The share of minors shall be invested in fixed deposits payable on their attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

23.03.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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