

FAO-5327-2014 (O&M)
Date of decision: 05.02.2018

...Appellants

...Respondents

The Tribunal has awarded compensation to the tune of Rs.4,55,088/-, detailed hereunder:-

Counsel for the appellants would urge that claimants may be

allowed adequate compensation in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.**

Counsel for the insurance company has supported the award with the plea that adequate compensation has been allowed.

The deceased was 51 years old and accordingly the Tribunal has applied multiplier of 11. The claimants shall be entitled to increase in income for future prospects @ 10%. Income of the deceased assessed by the Tribunal as well as multiplier and deduction allowed by the Court below are affirmed. In this manner, loss of dependency comes to Rs.4,84,000/- (Rs.5000 x 12 x 11) + (10% future prospects) – (1/3rd 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.5,54,000/- and the additional amount is Rs.98,912/- (5,54,000 – 4,55,088), payable with interest @ 7.5% per annum from the date of petition till realization to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

05.02.2018
ashok

(REKHA MITTAL)
JUDGE

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