

FAO No. 5437 of 2014 (O&M)1

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 5437 of 2014 (O&M)

Date of decision : May 2, 2018

Meena Devi and others

Versus

..... Appellants

Anil Kumar Chouhan and another

..... Respondents

CORAM:

HON'BLE MRS. JUSTICE REKHA MITTAL

Present:-

Mr. Ashwani Arora, Advocate
for the appellants.

Mr. Durga Dutt, Advocate
for respondent No.1.

Mr. Abhimanyu Kalsy, Advocate
for respondent No.2.

REKHA MITTAL J (Oral).

The claimants are in appeal seeking enhancement of compensation on account of death of Sikander Kumar in a motor vehicular accident that took place on 24.10.2012.

The tribunal has awarded compensation to the tune of Rs.30,10,184/-, detailed hereunder:-

S.No.	Heads of claim	Amount (Rs.)
1.	Monthly income of the deceased	15027/-
2.	Multiplier	16
3.	Deduction for personal expenses	1/3 rd
4.	Addition for future prospects	50%
5.	Loss of dependency	28,85,184/-

6.	Last rites and funeral expenses	25000/-
7.	Loss of consortium	1,00,000/-
8.	Total	30,10,184/-

The deceased was working as Frash in the office of Punjab Vidhan Sabha, Secretariat, U.T. Chandigarh at gross salary of Rs. 18,971/-. The salary certificate Ex. P-1 has been proved by Deepak Kumar, Junior Assistant, office of Punjab Vidhan Sabha examined by the claimaints.

A perusal of the salary certificate would reveal that the entire salary is to be taken into consideration for computing loss of dependency. The multiplier and addition in income for future prospects allowed by the tribunal are affirmed. However, as the application for compensation has been filed by widow, three minor children and mother of the deceased, admissible deduction for personal expenses would be 1/4th. In this manner, loss of dependency comes to Rs. 18971/- x 12 x 16 (36,42,432/-)+18,21,216/- (50%)=5463,648 - 1365912 (1/4th) = 40,97,736/-.

Under conventional heads, claimants shall be entitled to Rs. 70,000/-, 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	Rs. 40,000/-
	Total	Rs. 70,000/-

Total compensation is Rs.41,67,736/ - and the additional amount is Rs. 11,57,552/- (41,67,736/- -30,10,184/-), payable with interest

@ 7.5% per annum from the date of petition till realization to minor children of the deceased in equal ratio, to be invested in fixed deposits payable on their attaining age of majority or for a period of 3 years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

May 2, 2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No