

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

--

FAO 387 of 2015 (O&M)
Date of decision: 26.04.2018

Vidhya Devi and others

..... Appellants

Versus

Jai Chand and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Rohit Joshi, Advocate
for the appellants

None for respondent No. 2

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Roop Chand in a motor vehicular accident that took place on 27.04.2011.

The Tribunal has awarded compensation of Rs.8,73,800.00, detailed hereunder:-

Monthly income of the deceased	Rs.6,000.00
Addition in income for future prospects	30%
Deduction	1/3 rd
Loss of dependency	Rs.7,48,800.00
Loss of consortium	Rs.1,00,000.00
Funeral expenses	Rs.25,000.00

Counsel for the appellants has prayed for enhancement of compensation primarily on the ground that appropriate multiplier should be 14 as the deceased was 40 years of age.

As the deceased was held to be between age bracket of 40-50, addition in income for future prospects would be 25% in the light of judgment of Hon'ble Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270.*** However, multiplier for computing loss of dependency in view of judgment of Hon'ble the Supreme Court in ***Sarla Verma and others v. Delhi Transport Corporation and another 2009(3) R.C.R. (Civil) 77,*** would be 14. Income of the deceased and deduction for personal expenses allowed by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs.8,40,000.00 (Rs.10,08,000.00 *i.e.* 6,000 x 12 x 14 + Rs.2,52,000.00 (25% addition in income) – Rs.4,20,000.00 (1/3rd deduction) .

Under conventional heads, claimants shall be entitled to Rs.70,000.00, in the light of judgment of Hon'ble the Supreme Court in ***Pranay Sethi's case (supra),*** detailed hereunder:-

Loss of consortium to widow	Rs.40,000.00
Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation is calculated at Rs.9,10,000.00 (Rs.8,40,000 + Rs.70,000) and additional amount comes to Rs.36,200.00 (Rs.9,10,000.00 – Rs.8,73,000.00), payable with interest at the rate of 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.

(Rekha Mittal)
Judge

26.04.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No