IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5489-2014 (O&M)
Date of decision: 10.01.2018

SANGEETA & ORS ...Appellants

Versus

INDER DEV GUPTA & ORS ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Chirag Wadhwa, Advocate
for the appellants.

Mr. S.P. Chahar, Advocate
for respondent No.2.

Mr. Sachin Ohri, Advocate
for respondent No.3.

****

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Dharmender in a motor vehicular accident that took place on 05.03.2012.

The Tribunal has awarded compensation to the tune of Rs.8,25,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	15
3. Deduction for personal expenses	$1/4^{th}$
4. Loss of dependency	Rs.8,10,000/-
5. Expenses on funeral and last rites	Rs.10,000/-
6. Loss of consortium	Rs.5,000/-

Counsel for the claimants has urged that the Tribunal has not allowed benefit of increase in income for future prospects. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has supported the assessment made by the Tribunal.

The Tribunal has assessed income of the deceased at Rs.6000/- per month. As per findings of the Tribunal, the deceased was 35 years old. In the copy of driving licence Mark-B referred to in para 20 of the award, date of birth of Dharmender is 30.09.1975, therefore, he was more than 36 years of age on the day of occurrence. Claimants shall be entitled to increase in income for future prospects to the extent of 40%. However, multiplier and deduction for personal expenses applied by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs.11,34,000/- (Rs.6000 x 12 x 15 + 40% (future prospects) – 1/4th (deduction for personal expenses)).

Under conventional heads, claimants shall be entitled to an amount of Rs.70,000/- in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**, detailed hereunder:-

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

The total compensation comes to Rs.12,04,000/- and the additional amount is Rs.3,79,000/- (12,04,000 – 8,25,000), 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 minor children shall be deposited in FDRs 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.

10.01.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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