IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO 4161 of 2015 (O&M)
Date of decision: 26.04.2018

Karamjeet Kaur alias Geeta Devi and others .... *Appellants*

Versus

Gurnam Singh and others ....*Respondents*

Coram: **Hon'ble Mrs. Justice Rekha Mittal**

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Present: Mr. Amandeep Singh Cheema, Advocate
for the appellants

None for respondent No. 1

Mr. Neeraj Khanna, Advocate
for respondent No. 2

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Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Shamsher Singh in a motor vehicular accident that took place on 14.09.2013.

The Tribunal has awarded compensation to the tune of Rs.8,89,456.00, detailed hereunder:-

Monthly income of the deceased	Rs.4,000.00
Addition in income for future prospects	50%
Deduction for personal expenses	1/3rd
Multiplier	13
Loss of dependency	Rs,6,24,000.00
Loss of consortium	Rs.1,00,000.00
Funeral expenses	Rs.25,000.00
Medical expenses	Rs.1,40,456.00

Counsel for the claimants would urge that compensation allowed by the Tribunal is liable to be enhanced by allowing increase in income, appropriate multiplier and deduction for personal expenses to the extent of 1/4th.

Counsel for the insurance company, on the contrary, would urge that addition in income for future prospects should be 40% and compensation under conventional heads may be restricted to Rs.70,000.00 in the light of judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270.***

The Tribunal has assessed income at Rs.4,000.00 per month. Taking a clue from the notification issued by the State of Punjab fixing minimum wage available at the relevant time, income of the deceased is assessed at Rs.6,250.00 per month. As application for compensation has been filed by the widow and four minor children, deduction for personal expenses would be 1/4th. The deceased was 36 years old and admissible multiplier is 15. The Tribunal has allowed addition in income for future prospects at the rate of 50% but the same would be 40% in the light of latest judgment in *Pranay Sethi's* case (supra). In this manner, loss of dependency comes to Rs.11,81,250.00 [(Rs.11,25,000.00 i.e. 6250 x 12 x 15 + Rs.4,50,000.00 (40% future prospects) – Rs.3,93,750.00 (1/4th 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

Medical expenses allowed by the Tribunal are affirmed. Total compensation comes to Rs.13,91,706.00 (Rs.11,81,250.00 + Rs.70,000.00

+ Rs.1,40,456.00 and additional amount is Rs.5,02,250.00 (Rs.13,91,706.00 – Rs.8,89,456.00) payable with interest at the rate of 7.5% per annum from the date of petition till realization to claimants No. 3 to 5 in equal share to be invested in Fixed Deposits for a period of three years or till they attain the age of majority, whichever is later. However, the interest on FDRs shall be payable to their mother for meeting their expenses. The other terms and conditions of the award shall remain intact.

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