IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6396-2013 (O&M)
Date of decision: 16.02.2018

Chhoti and others ... Appellants

Versus

Suresh and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Gulrej Khan, Advocate for
Mr. Amit K. Goyal, Advocate
for the appellants.

Mr. B.S. Rathee, Advocate
for respondents No.1 and 2.

Ms. Vandana Malhotra, Advocate
for the insurance company.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Bans Raj in a motor vehicular accident that took place on 03.08.2012.

The Tribunal has awarded compensation of Rs.28,95,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.20,000/-
2. Multiplier	16
3. Deduction for personal expenses	$1/4^{th}$
4. Loss of dependency	Rs.28,80,000/-
5. Expenses on funeral	Rs.5000/-

6. Loss of consortium Rs.10,000/-

Counsel for the claimants seeks enhancement of compensation on two grounds. It is argued that Tribunal has not allowed benefit of increase in income for future prospects @ 40%. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has supported the award.

Contention raised by counsel for the claimants for allowing benefit of future prospects is meritorious in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.** Claimants are allowed benefit of increase in income for future prospects @ 40%. In this manner, loss of dependency comes to Rs.40,32,000/- (Rs.20,000 x 12 x 16) + (40% future prospects) – (1/4th 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.41,02,000/- and the additional amount is Rs.12,07,000/- (41,02,000 – 28,95,000), payable with interest @7.5% per annum from the date of petition till realization to minor children of the deceased in equal proportion, to be deposited in FDRs payable on their attaining age of majority or for a period of three years, whichever is later. The interest accruing on FDRs shall be payable to mother of the minors for meeting expenses on their education and living.

The appeal is partly allowed in the aforesaid terms.

16.02.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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