IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4213 of 2015 (O&M)
Date of decision: 15.02.2018

Anoj Devi and others ... Appellants

Versus

Uday Bhan and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. S.K. Tripathi, Advocate for the appellants.

Mr. Vishal Aggarwal, Advocate for the insurance company.

****

REKHA MITTAL, J. (Oral)

CM No.13428-CII of 2015

Heard.

Allowed as prayed for. Delay of 103 days in filing the appeal stands condoned subject to the condition that the claimants shall forgo interest for the period of delay in case compensation is enhanced.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Jasvir Singh in a motor vehicular accident that took place on 29.12.2011.

The Tribunal has awarded compensation of Rs.9,46,000/-, detailed hereunder:-

1. Monthly income of the deceased Rs.6000/-

2. Multiplier	17
3. Deduction for personal expenses	$1/3^{rd}$
4. Loss of dependency	Rs.8,16,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of estate	Rs.5000/-
7. Loss of consortium	Rs.1,00,000/-

Counsel for the claimants would urge that the Tribunal has not allowed benefit of increase in income for future prospects @ 40%. Deduction for personal expenses is on higher side.

Counsel representing the insurance company has submitted that compensation awarded under conventional heads needs to be restricted to Rs.70,000/- in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270.**

The plea of the claimants for grant of benefit of future prospects @ 40% is meritorious in the light of judgment of Hon'ble the Apex Court **Pranay Sethi's case** (supra). However, contention of counsel with regard to deduction for personal expenses is misconceived and liable to be rejected in view of the enunciation laid down by Hon'ble the Apex Court in **Sarla Verma & Ors Vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77**. The multiplier adopted by the Tribunal is affirmed. In view of the above, loss of dependency comes to Rs.11,42,400/- (Rs.6000 x 12 x 17) + (40% future prospects) – ($1/3^{rd}$ 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.12,12,400/- and the additional amount is Rs.2,66,400/- (12,12,400 – 9,46,000), payable with interest @7.5% per annum from the date of petition till realization, except for the period of delay, to widow and minor son of the deceased in the ratio 40:60. The share of minor child shall be deposited in FDR payable on his attaining age of majority or for a period of three years, whichever is later. The interest accruing on FDR shall be payable to mother of the minor for meeting expenses on his education and living.

The appeal is partly allowed in the aforesaid terms.

15.02.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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