

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

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FAO 3415 of 2016 (O&M)
Date of decision: 30.04.2018

Bhola Ram alias Kamal Deep and another *Appellants*
Versus

Virender Singh and others *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Dheeraj Narula, Advocate
for the petitioner

None for the respondents

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Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Chhinder Pal alias Chhinder in a motor vehicular accident that took place on the intervening night of 25/26.06.2013.

The Tribunal has awarded compensation of Rs.5,03,000.00, detailed hereunder:-

Monthly income of the deceased	Rs.6,000.00
Deduction for personal expenses	50%
Multiplier	13
Loss of dependency	Rs.4,68,000.00
On account of pain and sufferings, love and affection	Rs.25,000.00
Funeral expenses	Rs.10,000.00

Counsel for the appellants has prayed for enhancement of compensation by allowing benefit of addition in income for future prospects

at the rate of 40%, appropriate multiplier on the basis of age of the deceased and adequate compensation under conventional heads.

The Tribunal has held that the deceased was born on 06.06.1988 and 25 years old at the time of death, therefore, the claimants shall be entitled to benefit of addition in income for future prospects at the rate of 40% and multiplier of 18 in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270* and *Sarla Verma and others v. Delhi Transport Corporation and another 2009(3) R.C.R. (Civil) 77*. In this manner, loss of dependency comes to Rs.9,07,200.00 (Rs.12,96,000.00 i.e, 6,000 x 12 x 18 + Rs.5,18,400.00 (40% future prospects) – Rs.9,07,200.00 (50% deduction)).

Under conventional heads, the Tribunal has awarded a sum of Rs.35,000.00. Compensation awarded under conventional heads is restricted to Rs.30,000.00, detailed hereunder:-

Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation comes to Rs.9,37,200.00 (Rs.9,07,200.00 + Rs.30,000.00) and additional amount is Rs.4,34,200.00 (Rs.9,37,200.00 – Rs.5,03,000.00), payable with interest at the rate of 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

30.04.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No