

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

FAO-609-2014 (O&M)
Date of decision: 28.03.2018

SURJIT KAUR & ANR ... Appellants

Versus

AMRIK SINGH & ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Amandeep Kaur, Advocate for the appellants.

Mr. Baldev Kapoor, Advocate for respondents No.1 and 2.

Mr. M.B. Jain, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Rajbir Singh in a motor vehicular accident that took place on 16.12.2011.

The Tribunal has awarded compensation of Rs.6,35,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Addition in income for future prospects	30%
3. Multiplier	15
4. Deduction for personal expenses	50%
5. Loss of dependency	Rs.5,85,000/-
6. Expenses on funeral	Rs.25,000/-
7. Loss of estate	Rs.25,000/-

Counsel for the insurance company would argue that minimum wage at the relevant time was less than Rs.5000/- assessed by the Tribunal.

The deceased was 20 years old and unmarried son of claimants Surjit Kaur and Narinder Singh. Claimants shall be entitled to increase in income for future prospects @ 40%. Admissible multiplier on the basis of age of deceased would be 18 in the light of judgment of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. Deduction for personal expenses applied by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs.7,56,000/- (Rs.5000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses).

Compensation awarded by the Tribunal under conventional heads is restricted to Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss of estate.

Total compensation is Rs.7,86,000/- and the additional amount is Rs.1,51,000/- (7,86,000 – 6,35,000), payable with interest @ 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.

28.03.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No