

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

FAO No.6104 of 2014 (O&M)
Date of decision: 18.01.2018

Smt. Banso Rani ...Appellant

Versus

Mahinder Kumar and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Amit Singla, Advocate
for the appellant.

Mr. R.C. Gupta, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The unfortunate mother is in appeal seeking enhancement of compensation on account of death of her son-Naval Kumar in a motor vehicular accident that took place on 28.02.2011.

The Tribunal has awarded compensation to the tune of Rs.5,07,578/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4600/-
2. Multiplier	18
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.4,96,800/-
5. Expenses on last rites and transportation of dead body	Rs.10,000/-
6. Expenses on treatment	Rs.778/-

Counsel for the claimant would urge that the Tribunal has not allowed benefit of increase in income for future prospects @ 40%. Adequate compensation may be allowed under conventional heads.

Counsel for the insurance company has supported assessment made by the Tribunal.

The deceased was 22 years old unmarried son of the claimant. The claimant shall be entitled to increase in income for future prospects @ 40%. Accordingly, loss of dependency comes to Rs.6,95,520/- (Rs.4600 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, claimant shall be entitled to Rs.30,000/- i.e. Rs.15,000/- for expenses on funeral and Rs.15,000/- for loss of estate.

The total compensation comes to Rs.7,25,520/- and the additional amount is Rs.2,17,942/- (7,25,520 – 5,07,578), 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.

18.01.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No