IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6272-2014 (O&M)
Date of decision: 07.03.2018

ANGREJO AND ANR ... Appellants

Versus

ISHWAR SINGH AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Pankaj Middha, Advocate
for the appellants.

Mr. Satpal Dhamija, 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 Rakesh in a motor vehicular accident that took place on 23.12.2012.

The Tribunal has awarded compensation of Rs.8,30,000/-, detailed hereunder:-

1. Annual income of the deceased	Rs.1,00,000/-
2. Multiplier	15
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.7,50,000/-
5. Loss of love and affection	Rs.50,000/-
6. Expenses on funeral	Rs.25,000/-
7. Loss of estate	Rs.5000/-

Counsel for the claimants would contend that compensation awarded by the Tribunal is liable to be enhanced by allowing benefit of increase in income for future prospects @ 40% and multiplier of 18 as the deceased was 20 years old at the time of occurrence.

Counsel representing the insurance company, on the contrary, has supported assessment of loss of dependency with the plea that compensation awarded under conventional heads needs to be restricted to Rs.30,000/- 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 deceased was 20 years old unmarried son of the claimants. The Tribunal has assessed his income at Rs.1 lakh per annum. Claimants shall be entitled to increase in income for future prospects @ 40%. As the deceased was 20 years old, admissible multiplier would be 18 in the light of judgments 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 **Pranay Sethi's case** (supra). In this manner, loss of dependency comes to Rs.12,60,000/- (Rs.1,00,000 x 18) + (40% future prospects) – (50% deduction for personal expenses).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitled to

Rs.30,000/-, detailed hereunder:-

1. Expenses on funeral	Rs.15,000/-
2. Loss of estate	Rs.15,000/-

Total compensation is Rs.12,90,000/- and the additional amount is Rs.4,60,000/- (12,90,000 – 8,30,000), 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.

07.03.2018
ashok

(REKHA MITTAL)
JUDGE

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