

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

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FAO-5271-2015 (O&M)
Date of decision: 28.08.2018

KAVITA AND ORS

... Appellants

Versus

ROOPESH KUMAR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Monika Singh, Advocate for
Mr. Amit Kumar Jain, Advocate for the appellants.

Mr. Sanjeev Goyal, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Baljeet Singh in a motor vehicular accident that took place on 17.03.2012.

The Tribunal has assessed compensation of Rs.13,36,500/- but the claimants have been awarded Rs.10,69,200/- as 20% negligence has been attributed to the deceased. In addition, an amount of Rs.1,50,000/- has been awarded towards conventional heads.

The deceased was Diploma holder from ITI. He left behind family consisting of his widow, four minor children and parents. Taking a clue from the minimum wage of a skilled worker at the relevant time coupled with educational qualification of the deceased, it can safely be held that income of deceased assessed by the Tribunal is on higher side and needs modification. As a result, income of the deceased is assessed at Rs.8000/- per month. Claimants shall be entitled to benefit of addition in income for future prospects @ 25%. As the deceased was 45 years old, admissible multiplier is 14. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency is

calculated at Rs.12,60,000/- [(Rs.8000 x 12 x 14) + (25% future prospects) – (1/4th deduction for personal expenses)].

Out of total compensation assessed hereinbefore, claimants shall be entitled to 80% of the amount i.e. Rs.10,08,000/-.

Compensation allowed under conventional heads is modified to the effect that 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.10,78,000/- and compensation allowed by the Tribunal is reduced to the extent of Rs.1,41,200/- [(10,69,200 + 1,50,000) - 10,78,000]. The insurance company shall be entitled to recover the excess amount, if already paid, by filing an application before the Tribunal.

Disposed of accordingly.

28.08.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No