

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

-.-

FAO 5652 of 2015 (O&M)
Date of decision: 16.02.2018

Suman and others

..... Appellants

Versus

Sombir Singh and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Gaurav Khera, Advocate
for the appellant

Mr. Vinod Gupta, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Kuldeep in a motor vehicular accident that took place on 05.05.2013.

The Tribunal has awarded compensation of Rs.9,39,000.00, detailed hereunder:-

Monthly income of the deceased	Rs.6,000.00
Deduction for personal expenses	1/3 rd
Multiplier	18
Loss of dependency	Rs.8,64,000.00
Loss of love and affection for petitioners No. 1, 3 and 4	Rs.50,000.00
Funeral expenses	Rs.25,000.00

Counsel for the appellants has submitted that the claimants are entitled to increase in income for future prospects at the rate of 40%.

Adequate compensation may be allowed under conventional heads.

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

The Tribunal has assessed income of the deceased at Rs.6,000.00 per month but did not allow benefit of increase in income for future prospects. Claimants shall be entitled to increase in income for future prospects at the rate of 40%. Deduction for personal expenses and multiplier applied are affirmed. In this view of the matter, loss of dependancy comes to Rs.12,09,600.00 i.e. Rs.6,000 x 12 x 18 + Rs.5,18,400.00 (40% future prospects) - Rs.6,04,800.00 (1/3rd deduction).

Under conventional heads, claimants shall be entitled to Rs.70,000.00, in the light of judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270***, detailed hereunder:-

Loss of consortium to widow	Rs.40,000.00
Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation comes to Rs.12,79,600.00 (Rs.12,09,600 + Rs.70,000) and additional amount is Rs.3,40,600.00 (Rs.12,79,600 – Rs.9,39,000.00) payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

16.02.2018
mohan bimbura

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