

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

FAO No. 7503 of 2014 (O&M)
Date of decision: 03.07.2018

Khujani *Appellant*

Versus

Rajesh Kumar and another *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sandeep Goyat, Advocate
for the appellant

Ms Vandana Malhotra, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of her son Sajjan aged 25 years in a motor vehicular accident that took place on 25.03.2013.

The Tribunal has awarded compensation of Rs.5,70,500.00, detailed hereunder:-

Monthly income of the deceased	Rs.5,500.00
Addition for future prospects	50%
Deduction for personal expenses	50%
Multiplier	9
Loss of dependency	Rs.4,45,500.00
Loss of love and affection	Rs.1,00,000.00
Expenses for transportation and last rites	Rs.25,000.00

The Tribunal has allowed addition in income for future prospects at the rate of 50% but the same would be 40% in the light of latest judgment of Hon'ble the Supreme Court *National Insurance Company*

Limited v. Pranay Sethi and others, 2017 SC 1270. Multiplier, in the given scenario, would be 18. However, deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency comes to Rs.8,31,600.00 (Rs.11,88,000.00 i.e. 5,500 x 12 x 18 + Rs.4,75,200.00 (40% addition) – Rs.8,31,600.00 (50% deduction)

Under conventional heads, claimant shall be entitled to Rs.30,000.00, in the light of judgment of Hon'ble the Supreme Court in **Pranay Sethi's** case (supra), detailed hereunder:-

Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation comes to Rs.8,61,600.00 (Rs.8,31,600.00 + Rs.30,000.00) and additional amount is Rs.2,91,100.00 (Rs.8,61,600.00 – Rs.5,70,500.00) 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

03.07.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No