

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

249

FAO-5996-2015 (O&M)
Date of decision: 04.12.2018

MADAN MOHAN ARORA & ORS

... Appellants

Versus

PARAMA SIVAN PALLAR & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Amrita Nagpal, Advocate for the appellants.

Mr. Ashwani Talwar, Advocate with
Ms. Sanya Sapra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ms. Jayshree in a motor vehicular accident that took place on 20.11.2012.

The Tribunal has awarded compensation of Rs.21,45,000/-, detailed hereunder:-

1. Annual income of the deceased	Rs.2,10,000/-
2. Multiplier	18
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.18,90,000/-
5. Expenses on funeral	Rs.25,000/-
6. Expenses on treatment	Rs.30,000/-
7. Ambulance charges	Rs.10,000/-
8. Amount spent for bringing the dead body from Bombay to Gurgaon	Rs.40,000/-
9. Loss of love and affection	Rs.1,50,000/-

The Tribunal has assessed income of the deceased at Rs.2,10,000/- per annum. The claimants have produced document with regard to annual salary of the deceased as an employee of Pupa Company to the tune of Rs.2,13,300/- per annum. Accordingly, annual income of the deceased is taken at Rs.2,13,300/- per annum. Claimants shall be entitle to addition in income for future prospects @ 40%. Multiplier and deduction

for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.26,87,580/- [(2,13,300 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Compensation allowed by the Tribunal for expenses on treatment, ambulance charges and transportation charges to the tune of Rs.80,000/- is affirmed. However, compensation allowed under conventional heads is modified to the effect that claimants shall be entitle to Rs.1,10,000/-, detailed hereunder:-

1. Loss of consortium to the parents	Rs.80,000/- (Rs.40,000/- each)
2. Expenses on last rites	Rs.15,000/-
3. Loss to estate	Rs.15,000/-

Total compensation is Rs.28,77,580/- and the additional amount is Rs.7,32,580/- (28,77,580 - 21,45,000), payable with interest @7.5% per annum from the date of petition till realization, to mother of the deceased, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

04.12.2018

ashok

(REKHA MITTAL)
JUDGE

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