IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209 FAO No.7624 of 2014 (O&M)

Date of decision: 29.08.2018

RAVINDER GUPTA AND OTHERS ... Appellants

Versus

VIVEK KUMAR AND OTHERS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Aditya Rana, Advocate for the appellants.

Mr. R.C. Kapoor, Advocate for the insurance company.

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REKHA MITTAL, J. (Oral)

CM No.20328-CII of 2014

Heard.

Allowed as prayed for. Delay of 39 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Vipul Gupta in a motor vehicular accident that took place on 31.12.2011.

The Tribunal has awarded compensation of Rs.11,10,000/-, detailed hereunder:-

1. Notional income of the deceased	Rs.10,000/-
2. Multiplier	18
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.10,80,000/-
5. Expenses on funeral	Rs.20,000/-
6. Loss of estate	Rs.5000/-

Counsel for the appellants would urge that the deceased was a brilliant student who scored 77% marks in 10+2 and completed his B.Tech from LIET, Alwar by securing 72% marks. It is argued that notional income of the deceased assessed by the Tribunal is grossly inadequate and liable to be enhanced. Claimants are entitled to addition in income for future prospects @ 40%.

Counsel representing the insurance company, on the contrary, has supported assessment of income made by the Tribunal with the submission that there is lot of unemployment in the country, therefore, there is no assurance of the deceased having got a job after completion of graduation in technology in the year 2011.

I have heard counsel for the parties, perused the paper book particularly the award.

The deceased completed his B.Tech from LIET, Alwar. There is no material available on record with regard to status of the institute from which the deceased passed B.Tech course. However, in view of educational qualification of the deceased, it would be in fitness of things if his notional income is assessed at Rs.20,000/- per month. Claimants shall be entitled to addition in income for future prospects @ 40%. Deduction for personal expenses and multiplier adopted by the Tribunal are affirmed. In this manner, loss of dependency is calculated at Rs.30,24,000/- [(Rs.20,000 x 12 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/-, i.e. Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate.

Total compensation is Rs.30,54,000/- and the additional amount is Rs.19,44,000/- (30,54,000 - 11,10,000), 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.

29.08.2018 **(REKHA MITTAL)**

ashok **JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No