

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

226

FAO-7681-2014 (O&M)
Date of decision: 26.11.2018

ATWARI DEVI ETC

... Appellants

Versus

ABHINEET SINGH ETC

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Ekta Thakur, Advocate for the appellants.

Mr. Inderjeet Singh, Advocate for respondent No.1.

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

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ram Nawal in a motor vehicular accident that took place on 02.07.2012.

The Tribunal has awarded compensation of Rs.9,73,800/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	13
3. Deduction for personal expenses	1/5 th
4. Loss of dependency	Rs.7,48,800/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium to the widow	Rs.1,00,000/-
7. Loss of love and affection to claimants No.3 to 7	Rs.1,00,000/-

Claimants are entitle to addition in income for future prospects @ 25%. The multiplier and deduction for personal expenses allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.9,36,000/- [(6000 x 12 x 13) + (25% future prospects) – (1/5th deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.3,10,000/-, detailed hereunder:-

- | | |
|--|--------------------------------------|
| 1. Loss of consortium to claimants No.1 to 7 | Rs.2,80,000/-
(Rs.40,000/- each) |
| 2. Expenses on last rites | Rs.15,000/- |
| 3. Loss to estate | Rs.15,000/- |

Total compensation is Rs.12,46,000/- and the additional amount is Rs.2,72,200/- (12,46,000 – 9,73,800), payable with interest @7.5% per annum from the date of petition till realization, in terms of the award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

26.11.2018

ashok

(REKHA MITTAL)
JUDGE

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