

The sole submission made by counsel for the claimants is that the Tribunal has not allowed benefit of increase in income for future prospects.

There is no representation on behalf of insurance company, earlier being represented by a counsel.

The Tribunal in paras 16 to 18 of the award has dealt with assessment of compensation, represented in a tabulated form in para 19 thereof. The Tribunal has applied multiplier of 18 and the same is affirmed. The Tribunal has allowed deduction to the extent of 1/4th for personal and living expenses of the deceased. The application for compensation was filed by the widow, minor child, grand mother, parents and sister of the deceased. There is nothing on record suggestive of the fact that father of the deceased aged about 53 years had any disability or did not have any source of income to be dependent upon his son. That being so, grand mother and sister of the deceased also cannot be held entitled to get compensation. There being three persons entitled to get compensation, admissible deduction for personal expenses would be 1/3rd in place of 1/4th.

Perusal of the award makes it evident that the Tribunal has not allowed benefit of increase in income for future prospects. In the light of latest judgment of Hon'ble the Supreme Court ***National Insurance Company Limited vs Pranay Sethi and others, 2017 SCC 1270***, claimants shall be entitled to benefit of increase in income for future prospects to the extent of 40%. In this view of the manner, loss of dependency comes to Rs.14,11,200.00 (Rs.15,12,000.00 *i.e.* 7,000.00 x 12 x 18 + Rs.6,04,800.00 (40% future prospects) – Rs.7,05,600.00 (1/3rd deduction). However,

compensation awarded by the Tribunal under conventional heads is reduced to Rs.70,000.00, detailed hereunder:-

Loss of consortium to the 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.14,81,200.00 (14,11,200.00 + 70,000.00) and additional amount is Rs.1,22,200.00 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

16.01.2018
mohan bimbra

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

Hon'ble Ms. Justice Nirmaljit Kaur, Judge, Rajasthan High Court has desired that 04 rooms with effect from 7th to 11th and 17th to 19th February, 2018 may be got booked in the Chandigarh Judicial Academy for Her Lordship's family guests. Besides above, four rooms more be also got booked for 10th February 2018.

(Mohan Lal Bimbura)
Special Secretary
19.02.2018

Assistant Registrar (Protocol)