

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

FAO No.5564 of 2016

Date of Decision:-13.09.2018

Smt. Rajwinder Kaur and others

...Appellants

Versus

Sushil Kumar and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. G.C. Shahpuri, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent No.3-Insurance Company.

REKHA MITTAL J.(Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Pawandeep Singh in a motor vehicular accident that took place on 02.04.2014.

The Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri (in short 'Tribunal') has awarded compensation of Rs.11,80,000/- detailed hereunder :-

Monthly income of the deceased	Rs.10,000/-
Deduction for personal expenses	50%
Multiplier	18
Loss of love and affection	75,000/-

Funeral Expenses/Transport expenses	Rs.25,000/-
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The application for compensation has been filed by the parents, younger sister and brother of deceased Pawandeep Singh. The entire compensation assessed by the Tribunal had been paid to claimants No.1 to 3. The claimants shall be entitle to addition in income for future prospects @ 40%. Income of the deceased, deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency comes to Rs.15,12,000/- [Rs.21,60,000/- (Rs.10,000/- x 12 x 18) + Rs.8,64,000/- (40% towards future prospects)= Rs.15,12,000/- (50% deduction towards personal expenses)].

Compensation allowed under conventional heads is modified to the effect that claimants shall be entitle to Rs.30,000/- i.e. Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate.

In view of the above, total compensation comes to Rs.15,42,000/- and the additional amount is Rs. 3,62,000/- (Rs.15,42,000 – Rs.11,80,000/-) payable with interest at the rate of 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.

September 13, 2018
Vijay Asija

(**REKHA MITTAL**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No