

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

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FAO No.5672 of 2016 (O&M)
Date of decision: 20.07.2018

BALWAN AND ANR.

... Appellants

Versus

DHARAMBIR AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Surender Saini, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

CM-19712-CII-2016

Heard.

Allowed as prayed for. Delay of 31 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Manjeet @ Monu, son of the claimants in a motor vehicular accident that took place on 10.04.2015.

The Tribunal has awarded compensation of Rs.6,97,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.8000/-
2. Multiplier	14
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.6,72,000/-
5. Expenses on funeral	Rs.25,000/-

The claimants shall be entitled to benefit of future prospects @40% in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. The deceased was 23 years old, therefore, admissible multiplier would be 18. In this context, reference can be made to judgments of Hon'ble

the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315 and Pranay Sethi and others's case (supra)**. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.12,09,600/- [(Rs.8000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation awarded 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 to estate.

Total compensation is Rs.12,39,600/- and the additional amount is Rs.5,42,600/- (12,39,600 - 6,97,000), payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

20.07.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No