

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

FAO 5842 of 2016 (O&M)
Date of decision: 05.12.2018

Seema and others*Appellants*
Versus
Samunder Singh and others*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Sarvesh Malik, Advocate
for the appellants
-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Dharamender in a motor vehicular accident that took place on 05.05.2013.

The Tribunal has awarded compensation of Rs.24,05,677.00, detailed hereunder:-

Monthly income of the deceased	Rs.5,600.00
Addition in income for future prospects	Fifty percent
Deduction for personal and living expenses	1/4th
Multiplier	15
Loss of dependency	Rs.11,34,000.00
Loss of consortium to widow	Rs.1,00,000.00
Funeral expenses	Rs.25,000.00
Medical expenses	Rs.11,46,677.00

Counsel for the appellants would urge that the Tribunal has not allowed any compensation qua loss of love and affection. The claimants spent Rs.15,00,000.00 on treatment of deceased but the Tribunal has allowed reimbursement of Rs.11,46,677.00.

The Tribunal has allowed benefit of increase in income at the

rate of 50% as against 40%, admissible in the light of latest judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270***. Under conventional heads, the claimants have been awarded a sum of Rs.1,25,000.00. When the case is examined in the light of latest judgments of Hon'ble the Supreme Court ***Pranay Sethi's*** case (supra) and '***Magma General Insurance Co. Ltd. versus Nanu Ram alias Chuhru Ram & Ors., 2018 (4) R.C.R. (Civil) 333***, the claimants, at best, can be allowed a sum of Rs.1,50,000.00 under conventional heads. If the claimants are extended benefit of Rs.25,000.00 more under conventional heads but benefit of future prospects is allowed @ 40%, the net result would be decrease in compensation. In the given scenario, compensation assessed by the Tribunal is kept intact.

The Tribunal has allowed reimbursement of medical expenses to the tune of Rs.11,46,677.00 on the basis of documents on records. The plea of claimants with regard to medical expenses to the tune of Rs.15,00,000.00 does not find corroboration from documentary evidence. That being so, findings of the Tribunal with regard to medical expenses allowed in the circumstances cannot be faulted with.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed *in limine*.

(Rekha Mittal)
Judge

05.12.2018
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