

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

228

FAO No.5852 of 2016 (O&M)

Date of decision: 13.08.2018

PREETI AND ORS

... Appellants

Versus

KRISHAN AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Gurdeep Kaur, Advocate for
Mr. Sandeep K. Sharma, Advocate
for the appellants.

None for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sandeep @ Sahi Ram in a motor vehicular accident that took place on 07.08.2014.

The insurance company (respondent No.3) has been served but remains unrepresented.

The Tribunal has awarded compensation of Rs.9,41,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	17
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.8,16,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-

Claimants shall be entitled to increase in income for future prospects @ 40%. Income of the deceased, multiplier and deduction for personal expenses allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.11,42,400/- [(Rs.6000 x 12 x 17) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitled to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.12,12,400/- and the additional amount is Rs.2,71,400/- (12,12,400 - 9,41,000), payable with interest @ 7.5% per annum from the date of petition till realization, to be invested in fixed deposit in the name of Ritesh, minor son of the deceased payable on his attaining the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

13.08.2018

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Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No